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ASCS COUNTY OFFICE EMPLOYEES

HEARING
BEFORE THE
SUBCOMMITTEE ON CIVIL SERVICE
OF THE
COMMITTEE ON
POST OFFICE AND CIVIL SERVICE
UNITED STATES SENATE
NINETIETH CONGRESS
FIRST SESSION
ON
S. 1028

MAY 4, 1967

Printed for the use of the
Committee on Post Office and Civil Service



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ASCS COUNTY OFFICE EMPLOYEES

THURSDAY, MAY 4, 1967

U.S. SENATE,
SUBCOMMITTEE ON CIVIL SERVICE, OF THE
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
Washington, D.C.

The subcommittee met at 2 p.m., pursuant to call, in room 6202, New Senate Office Building, Hon. Jennings Randolph, presiding.

Present: Senators Randolph, McGee, and Fong.

Also present: David Minton, general counsel; Frank Paschal, minority clerk.

Senator RANDOLPH. Good afternoon, gentlemen.

We have come together to listen to testimony on S. 1028, a bill presented for our consideration by the distinguished chairman of the Committee on Post Office and Civil Service, Mike Monroney.

This would confer certain benefits on employees of county committees under our Agricultural Stabilization and Conservation Service, when those employees are appointed to positions in the U.S. Department of Agriculture.

We held hearings on this legislation perhaps in the past, and I believe today we can perhaps be a bit more detailed in an effort to examine reasons why the administration has been unfavorable. I express the hope that something can be done so that the administration can work with us toward a solution, so these employees can be given retention of their earned status when they accept Federal employment.

(The bill referred to and agency reports follow:)

[S. 1028, 90th Cong., first sess.]

A BILL To extend certain benefits of the Annual and Sick Leave Act, the Veterans' Preference Act, and the Classification Act to employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 802 of the Classification Act of 1949, as amended (5 U.S.C. 1132), is amended by adding at the end thereof the following new subsection:

"(e) An employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) may upon appointment to a position under the Department of Agriculture, subject to this Act, have his initial rate of compensation fixed at the minimum rate of the appropriate grade, or at any step of such grade that does not exceed the highest previous rate of compensation received by him during service with such county committee."

SEC. 2. The Annual and Sick Leave Act of 1951 (65 Stat. 679-683), as amended (5 U.S.C. 2061 and following), is amended by adding at the end thereof the following new section:

"SEC. 210. Service rendered as an employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)), or of a committee or an association of producers described

in section 10(b) of the Agricultural Adjustment Act of May 12, 1933 (48 Stat. 37), shall be included in determining years of service for the purpose of section 203(a) of this Act in the case of any officer or employee so long as such officer or employee holds an office or position under the Department of Agriculture. The provisions of section 205(e) of this Act for transfer of annual and sick leave between leave systems shall apply to the leave system established for such employees."

SEC. 3. Section 12(a) of the Veterans' Preference Act of 1944 (5 U.S.C. 861(a)) is amended by inserting before the period at the end thereof the following: "*And provided further*, That in computing length of total service, credit shall be given for service rendered as an employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)), or of a committee or an association of producers described in section 10(b) of the Agricultural Adjustment Act of May 12, 1933 (48 Stat. 37), in the case of any employee so long as such employee holds a position under the Department of Agriculture".

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 3, 1967.

Hon. A. S. MIKE MONRONEY,
Chairman, Committee on Post Office and Civil Service,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request of February 22, 1967, for a report on S. 1028, a bill "To extend certain benefits of the Annual and Sick Leave Act, the Veterans' Preference Act, and the Classification Act to employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes."

This Department strongly recommends that the bill be passed.

The bill provides that ASC county committee employees who separate from their positions to accept appointment in other positions within the U.S. Department of Agriculture will receive the following benefits:

1. County committee employees moving to positions under the Classification Act in the Department may have their rate of compensation set at a rate which would eliminate or minimize reductions in salary now required in many cases.

2. Annual and sick leave to the credit of county committee employees shall be transferred with them to other positions in the Department on the same basis as transfers between leave systems provided in the Annual and Sick Leave Act.

3. County committee employee service will be creditable service for determining annual leave earning rate for employees serving under the Annual and Sick Leave Act in the Department.

4. County committee employee service will be creditable service for seniority purposes in connection with the application of reduction-in-force procedures in the Department.

These employees are a primary source of candidates to fill key positions in ASCS State offices. This reservoir of talented personnel with years of invaluable experience in the Department's programs at the grass roots level also provides the source for filling many other positions within the Department.

Currently the salary rate paid a county committee employee is not used in establishing the salary rate applicable to his appointment to a position in the Department under the Classification Act. For example, county committee employees at grade CO-9 have the same salary rates for each step of the grade as an employee serving under the Classification Act occupying a position at grade GS-9. An employee at CO-9, step 10, \$10,045 per annum, would upon appointment to a position at GS-9 be paid the first step, or \$7,696 per annum. He would, therefore, receive a salary cut of \$2,349 per annum. The same employee, if selected for a GS-11 position, would receive a salary cut of \$824 per annum even though he is being advanced to a higher level position. The Classification Act does provide for protecting the salary rates of persons appointed from positions not covered by the Classification Act, such as the Foreign Service of the State Department. This benefit is also extended to legislative and judicial employees.

Service as a county committee employee is not creditable service for purposes of the Annual and Sick Leave Act. Annual and sick leave to the credit of our county committee employees cannot be transferred with them when they accept appointment to U.S. Department of Agriculture positions under the Annual and Sick Leave Act. A county committee employee with 15 years of county committee

employee service earns 26 days annual leave each year. If this employee is appointed to a position in the Department under the Annual and Sick Leave Act, he would earn only 13 days of annual leave each year. Provision for crediting county committee employee service under the Annual and Sick Leave Act would allow this employee to continue earning 26 days of annual leave. This same employee would probably have a sizable annual and sick leave balance. The acceptance of a Civil Service position in the Department under current law requires that he forfeit his sick leave balance and receive a lump sum payment for his annual leave.

The section of the bill relating to the Veterans' Preference Act would credit county committee employee service for seniority purposes in connection with reduction-in-force actions affecting U.S. Department of Agriculture positions. Currently county committee employees entering Civil Service positions in the Department do not receive such credit. They are treated for reduction-in-force purposes as employees entering the government service for the first time.

The enactment of this legislation would not require additional appropriations.

The Bureau of the Budget advises that there is no objection to the presentation of this report but that its views are contained in a separate report which it is making on the bill.

Sincerely yours,

ORVILLE L. FREEMAN,
Secretary.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., April 17, 1967.

HON. A. S. MIKE MONRONEY,
Chairman, Committee on Post Office and Civil Service,
U.S. Senate.

DEAR MR. CHAIRMAN: This is in reply to your letter of February 22, 1967, requesting our views and comments on S. 1028, 90th Congress, entitled "A bill to extend certain benefits of the Annual and Sick Leave Act, the Veterans' Preference Act, and the Classification Act to employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes." The bill appears identical with S. 2206, 89th Congress, which was the subject of our report to your Committee dated July 6, 1965, B-144565.

S. 1028 would permit the initial fixing of the compensation of an employee of a county committee established pursuant to section (8b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)), upon appointment to a position in the Department of Agriculture, at the minimum rate of the appropriate grade of the General Schedule, or at any step of such grade that does not exceed the highest previous rate of compensation received by him during his service with the county committee.

The bill would also grant to employees of the Department of Agriculture, for annual leave, sick leave and reduction in force purposes, credit for periods of service with a county committee (16 U.S.C. 590h(b)) or with a committee or an association of producers established pursuant to section 10(b) of the Agricultural Adjustment Act of May 12, 1933 (48 Stat. 37). Finally, the bill would permit the transfer of annual and sick leave credit from leave systems established for such committees or associations of employees to the system established by the Annual and Sick Leave Act of 1951 (now embodied in 5 U.S. Code, Chapter 63, subchapter 1).

The bill involves a basic matter of policy for determination by the Congress, namely, whether certain Department of Agriculture employees should be granted benefits based upon previous periods of non-Government employment to the same extent as if such non-Government employment, in fact, had constituted Government employment.

Generally, in connection with the matter, we invite attention to Senate Report No. 1293, June 21, 1966, upon H.R. 2206, 89th Congress, and Civil Service Commission and Bureau of the Budget letters dated February 28, 1966, printed therein. Also, we invite attention to House Report No. 375, May 25, 1965, upon H.R. 2452 and Bureau of the Budget and Civil Service Commission letters dated April 27 and April 28, 1965, respectively, which are printed therein.

As a technical matter, in view of the enactment of Pub. L. 89-554, approved September 6, 1966, 80 Stat. 378, codifying the laws relating to "Government Organization and Employees", references in the bill should be made to the ap-

propriate sections of the newly codified title 5 rather than to the former laws which were repealed by Pub. L. 89-554.

Page 1, lines 3 and 4: delete "802 of the Classification Act of 1949, as amended (5 U.S.C. 1132)," and insert in lieu thereof "5334 of title 5 of the United States Code".

Page 1, line 6: delete "(e)" and insert in lieu thereof "(f)".

Page 2, line 2: delete "this Act" and insert in lieu thereof "the General Schedule prescribed in section 5332 of this title".

Page 2, lines 7 to 9: delete "The Annual and Sick Leave Act of 1951 (65 Stat. 679-683), as amended (5 U.S.C. 2061 and following)," and insert in lieu thereof "Chapter 63, subchapter I of title 5, United States Code".

Page 2, line 11: delete "210" and insert in lieu thereof "6312".

Page 2, line 18: delete "203(a) of this Act" and insert in lieu thereof "6303(a) of this title".

Page 2, line 21: delete "205(e) of this Act" and insert in lieu thereof "6308 of this title".

Page 2, lines 24 and 25 and page 3, lines 1 to 10: Revise section 3 to read as follows: "SEC. 3. Section 3502(a) of title 5, United States Code is amended by adding immediately before the end thereof the following new paragraph:

"(C) who is an employee of the Department of Agriculture is entitled, for so long as he remains an employee of such department, to credit for service as an employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)), or of a committee or an association of producers described in section 10(b) of the Agricultural Adjustment Act of May 12, 1933 (48 Stat. 37)."

Sincerely yours,

FRANK H. WEITZEL,
Assistant Comptroller General of the United States.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., May 3, 1967.

Hon. A. S. MIKE MONRONEY,
Chairman, Committee on Post Office and Civil Service,
U.S. Senate, New Senate Office Building,
Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to the Committee's request for the views of the Bureau of the Budget respecting S. 124 and S. 1028, bills respecting grant of service credit based upon prior employment with county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act.

S. 1028 would establish those Department of Agriculture employees who were once employed by an ASC county committee as a select class of Federal employees to receive higher payments than would otherwise be made, in the form of higher leave accrual, higher base pay within the grade, and greater longevity credit for retention purposes. S. 124 would permit higher payments only for leave, and further, would restrict its application to Agriculture Department employees in State ASC activity.

As you know, this Bureau has always opposed the grant of special benefits—retirement coverage, other direct cash payments, longevity credit, etc.—to any group of employees based upon prior service rendered another employer. The structure of Federal employee benefits which have been legislated for the employees of ASC county committees is a case in point. Although concededly not Federal employees, the ASC county committee employees have been allowed to participate in practically all of the fringe benefits incident to Federal employment. No corresponding increase in Federal supervision, direction, or responsiveness of their activities has accompanied the grant of benefits.

In the absence of other considerations we believe the best solution in the existing situation would be to Federalize employees at the county committee level, as is already true of employees of State ASC offices. Following the approach recently adopted by the Administration for National Guard Technicians, the committee employees would be converted to direct Federal employee status, employed by and directly responsible to, the Department of Agriculture, subject to rules and standards governing Federal employment generally.

If, notwithstanding the foregoing, the Congress regards this group of employees as sufficiently unique to warrant the special treatment proposed by these bills,

the Bureau believes that it should be made clear that such action would not serve as a precedent for granting similar benefits to other groups based on non-Federal employment.

Sincerely yours,

(Signed) Wilfred H. Rommel
WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., May 3, 1967.

HON. A. S. MIKE MONRONEY,
*Chairman, Committee on Post Office and Civil Service,
U.S. Senate, New Senate Office Building.*

DEAR MR. CHAIRMAN: This is in further reply to your request for the views of the Civil Service Commission on S. 124 and S. 1028, bills to extend certain benefits to employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act.

These bills would extend Federal Service credit, in varying degrees, for non-Federal service performed with Agricultural Stabilization and Conservation Service county committees. S. 124 would authorize the crediting of unused annual and sick leave earned in county office employment to the accounts of county office personnel who move to Federal ASCS positions at the State level, and would credit county office service for leave accrual purposes. S. 1028 would grant salary, leave, and retention credit for past county office service. Under S. 1028, leave and retention credit would be available only as long as the former county office personnel remained in positions under the Department of Agriculture.

These bills are the latest in a long history of proposals to extend the benefits and privileges of Federal employment to ASC county office personnel. S. 124 and S. 1028 are identical to bills introduced in the last Congress and similar to bills introduced in the 88th Congress. The Civil Service Commission has considered the previous legislation undesirable and takes the same view with respect to the current bills.

This legislation would accord preferential treatment not available to any other groups. Its enactment would open the way for other non-Federal personnel employed in federally sponsored or federally assisted programs to claim similar special advantages. Ultimately this could result in the establishment of a broad precedent that any work financed in whole or in part by the Federal Government, or carried on in close cooperation with it, provides an adequate basis to grant those who do the work any and all the benefits of Federal employment. It is noted there are already close to 200 Federal grant-in-aid programs, along with a variety of other Federal-State cooperative programs. The number of non-Federal personnel employed in these programs is in the hundreds of thousands.

In raising this issue there is no intention to advocate a closed, rigid structure of personnel policies and benefits. The Civil Service Commission is very much interested in, and is working toward, facilitating mobility of personnel between the Federal Government and other levels of government, and other organizations. However, in facilitating these arrangements, the Commission is concerned to maintain clear-cut distinctions between the systems involved, to establish relations with other systems on a reciprocal basis, and to keep benefits consonant with the rights and obligations of employment.

Aside from these considerations, the Commission has long been troubled by the unclear status of ASC county office personnel. Ostensibly, they are non-Federal employees of farmer-elected, farmer-composed committees of private citizens. Yet over the years a combination of legislation and regulation has made it extremely difficult to determine what their status really is. They are treated as if they were Federal employees for most of the benefits of Federal employment, but not for the rights, protections, and obligations of the veteran preference laws, the laws restricting political activity, and others. They serve under an employment system drawn up and controlled by the Department of Agriculture which provides for review of individual personnel actions at the Federal level. Yet they remain outside of the Federal Service in order to preserve a semblance of local control by farmer committees. Because they are not actually Federal employees, they receive no credit for their county office service in Federal employment and this acts as a deterrent to their recruitment for positions in the Department of Agriculture.

The enactment of this legislation would probably ease whatever recruiting problem may exist, but at the same time it would further complicate the unclear relationship between these personnel and the Federal Government and have other undesirable consequences previously cited.

There is another approach which the Commission has felt would provide a better way of accomplishing the objectives of this legislation. It would be to enact legislation making county office employees full-fledged Federal employees of the Department of Agriculture, subject not only to the benefits of Federal employment but to all the obligations and protections as well. Such legislation would end the "in between" status of county office personnel and place them directly in the mainstream of career progression in the Department of Agriculture. This same approach has been recommended for another group of non-Federal personnel whose status is somewhat comparable—National Guard technicians—and a number of bills have been introduced in this Congress to effect this.

It has been suggested that this approach would alter the concept of local control over farm programs by county committees. Actually, under this approach local policy and decision making authority over farm programs would still be left in the hands of the committees. All they would lose would be the limited authority they now have over the employment and retention of county office personnel.

The Commission, of course, recognizes that there are other viewpoints and other considerations. Many of the benefits of Federal employment have already been bestowed on these employees by act of Congress over a Presidential veto. When viewed in this light, it is clear how these bills can be considered extensions of previously established policy with respect to these employees. The fact that legislation similar to these bills has been introduced time and again is evidence of a deep and continuing interest in seeing that the benefits proposed are granted without changing the status of the employees.

If the Congress does decide to give favorable consideration to either of these bills, the Commission would strongly urge that a statement be included in the record to the effect that this legislation is not intended to serve as a precedent for granting Federal service credit for non-Federal service with other groups. The Commission also wishes to emphasize that if this legislation is enacted, the Commission would continue to work toward the objective of making these employees Federal, subject not only to the benefits of Federal employment but to the rights and obligations as well.

If these bills are given further consideration they should be drafted as amendments to title 5, United States Code, which has been codified into positive law.

The Bureau of the Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

By direction of the Commission:

Sincerely yours,

(Signed) JOHN W. MACY, JR.,
Chairman.

Senator RANDOLPH. We are very happy today to have with us the very helpful Chairman of the Civil Service Commission, John W. Macy, Jr.

Mr. Macy, if you and others—or are you going to carry the burden today?

STATEMENT OF HON. JOHN W. MACY, JR., CHAIRMAN, U.S. CIVIL SERVICE COMMISSION; ACCOMPANIED BY O. GLENN STAHL, DIRECTOR, BUREAU OF POLICIES AND STANDARDS

Mr. MACY. Mr. Chairman since I have been through this drill before, I think I can do it myself.

Senator RANDOLPH. We remember your remarks. Thank you very much.

Mr. MACY. Thank you very much, Mr. Chairman.

I am pleased to be here once again. As I recall it, my previous appearance before you was March 1 of 1966, just about 14 months ago. I am pleased to present the views of the Civil Service Commission on legislation to confer certain Federal benefits and advantages on

employees of Agricultural Stabilization and Conservation Service county committees, who move to Federal positions in the Department of Agriculture.

S. 1028 is identical to S. 2206 of the 89th Congress on which I had the opportunity to testify last year, and is similar to other bills introduced in the 88th Congress. Essentially, it would grant three benefits:

First, it would permit the Federal salary of a former county office employee to be set at any step of the grade to which he is appointed that does not exceed the highest rate of compensation he had received for service with the county committee. This would enable the Department of Agriculture, in some cases, to avoid or minimize a possible decrease in salary.

Second, it would authorize transfer of the employee's accumulated annual sick leave earned in county committee service and to credit county committee service in determining the rate at which the employee earns leave.

Third, it would credit service with county committees in computing total length of Federal service for retention purposes.

These provisions would treat county office employees for the purpose of these benefits as if they were Federal employees transferring from one Federal agency to another, but with the limitation that the benefits would apply only to appointment and service with the Department of Agriculture.

We have given a great deal of thought to this legislation through the years. We have reviewed it in the light of the needs of the Department of Agriculture for the services of experienced county office personnel. And we have carefully considered the viewpoints expressed by the members of this subcommittee last year. But once more we have come to the same conclusion we reached last year and the years before that.

Fundamentally, this is how we see it: The Federal civil service system is a comprehensive, self-contained system specifically designed and intended for Federal employment. It consists of an interdependent set of employee rights, obligations, and benefits. They fit together and they belong together.

In our view it is not good business to break up the set. Parceling out benefits piecemeal, providing benefits without corresponding obligations, creating special rights or relationships—all can lead to undesirable consequences in the equitable administration of Federal personnel programs.

One very serious consequence we can foresee in the case of county office employees is the establishment of a broad precedent that work financed by the Federal Government and carried out under close Federal direction provides an adequate basis to afford those who do the work any and all of the benefits of Federal employment.

This has become a matter of greater concern now than it was before. With the recent upsurge in the number of Federal grant-in-aid programs, Federal-State relationships have become increasingly close.

Many programs have become shared programs, with substantial numbers of State and local employees involved. In 1966, there were, for example, 80,000 State government employees in federally sponsored welfare programs, 60,000 in federally sponsored employment security programs, and 20,000 in federally sponsored health programs.

And this is only a drop in the bucket. There are more than 4 million State and local employees working in education and highway pro-

grams which are funded in no small measure by the Federal Government. Aside from these groups, there are others, such as the 65,000 non-Federal post exchange personnel, who are not entitled to the benefits proposed in this legislation either.

Once the benefits and advantages proposed in this bill were granted, any of these personnel who move to Federal positions could claim similar special treatment. The end result could be a dilution of the benefits and advantages intended specifically for those who perform Federal service as Federal employees.

In raising this issue, Mr. Chairman, there is no intention on our part to advocate a closed, rigid structure of personnel policies and benefits just for the sake of symmetry or convenience.

The Commission is very much interested in facilitating mobility of personnel between the Federal Government and other levels of government. However, in facilitating these arrangements, we are concerned to maintain clearcut distinctions between the systems involved, to avoid ambiguity in employer-employee relationships, to establish relations with other systems on a reciprocal basis, and to keep benefits consonant with the rights and obligations of employment.

Another reason we have opposed this legislation is that it would further compound the already confused relationship between county office personnel and the Federal Government. County office personnel are certainly not Federal employees. If they were, this bill would not be necessary.

Ostensibly, they are supposed to be employees of farmer-elected, farmer-composed committees of private citizens.

Senator RANDOLPH. Are they not, Mr. Macy, half of the partnership between the Federal Government and county committees? Is this not correct?

Mr. MACY. They are financed by Federal funds. They are administering programs established by the Congress in the public interest. That is entirely correct.

Yet, over the years, a combination of regulation and legislation has made it increasingly difficult to tell what their status really is.

They seem to be suspended somewhere between Federal and non-Federal employment. For example, they are hired by non-Federal officials, but can be removed by either Federal or non-Federal officials. They are Federal employees for the benefits of Federal employment, but not for the obligations of Federal service and the protection of veteran preference laws or the laws restricting political activity. Their terms and conditions of employment are all fixed by the Department of Agriculture.

Actually there is a widespread belief that they are really Federal employees. This has been expressed in various quarters, even by the employees themselves. Allow me to cite a few examples.

At a hearing in 1964 before the House Post Office and Civil Service Committee on H.R. 8544, the Chairman of the Legislative Committee of the National Association of ASCS County Office Employees had this to say about the status of county office employees:

Let me state in the beginning that we know we are Federal employees; our families believe we are Federal employees; our neighbors across the street or on the next farm believe we are Federal employees; the people we serve believe we are Federal employees.

In the following year, 1965, at a hearing on H.R. 2452, the president of the National Association of ASCS County Office Employees said:

Our jobs are no more detached from Federal control than are the jobs of the postmasters. We are no more county employees than the Postmaster of New York City is a city employee.

All of this presents a confusing picture. The solution we see is not to compound the confusion by further obscuring the nature of county committee employment. Rather the solution that recommends itself to us is to take the logical step of making these employees Federal employees.

This would settle the status of these employees once and for all. It would take care of the recruiting problems the Department of Agriculture is experiencing in obtaining the services of county office personnel. It would avoid the dangerous precedent that S. 1028 would set.

This approach has been suggested for another group of personnel whose status is somewhat comparable, the 40,000 National Guard technicians. A number of bills to accomplish this have been introduced in the House of Representatives, including H.R. 2 and H.R. 713.

If this same approach is used for county office personnel, they would be brought into the Department of Agriculture with all of their previous service credited as Federal service, and without loss of salary or benefits.

This approach was favored by two distinguished members of a study group convened by the Secretary of Agriculture to look into the farmer committee system. One was a former Secretary of Agriculture, the other a political science professor at the University of Chicago.

This approach may have found favor with the employees themselves. At last year's hearing before this subcommittee on S. 2206, the identical predecessor of S. 1028, the president of the National Association of ASCS County Office Employees and its secretary-treasurer testified that this approach was apparently agreeable to the membership of their organization.

While I cannot speak to the effects of such a proposal on substantive program administration, which after all must be the crucial test of any change, I would guess that they would not be substantial. Under such a proposal county committees could still exercise local policy and decisionmaking authority over farm programs.

What they would lose would be whatever authority they now have over these employees. It has been suggested that this approach would alter the concept of grassroots control over farm programs. I seriously doubt that. If the widespread assumption that these employees are already Federal has not shaken this concept up to now, then actual federalization would not do so either.

At any rate, this is the solution we consider clearly desirable and the one we would prefer to see enacted at the earliest practicable time. Nevertheless we recognize that there are other viewpoints and other considerations.

The Secretary of Agriculture and interested members of Congress prefer the arrangements in the form outlined in this bill for significant program reasons.

Many of the benefits of Federal employment have already been bestowed on these employees by congressional action. The fact

that legislation similar to S. 1028 has been introduced in the past by the distinguished Chairman of the Senate Committee on Post Office and Civil Service and others is evidence of a deep and continuing congressional interest in seeing that the benefits proposed are granted without changing the status of the employees.

In addition, the Commission, of course, recognizes that the approach taken in this legislation would probably assist in solving the problem of recruiting county office personnel for related operating positions in the Department of Agriculture.

If the subcommittee decides to give favorable consideration to this legislation, I would urge that the record show that this legislation is not intended to serve as a precedent for granting Federal service credit for non-Federal service with other groups.

I would further urge, if this legislation is enacted, that future consideration, at an appropriate time, be given to making these employees Federal, subject not only to the benefits of Federal employment, but to the rights and obligations as well.

This, Mr. Chairman, is a candid expression of the Commission's position on this proposal.

Thank you for affording me the privilege of appearing before you once again to present these views.

Senator RANDOLPH. Chairman Macy, we are gratified that you have spoken as you did. Opposition is inherent in your position, but I would like to ask you, if this bill is passed by the Congress, would you recommend that the President veto it?

Mr. MACY. No; I would not. My view, as I indicated in my statement, is that, although the Commission sees difficulties and possibly a difficult precedent in this legislation, that there are considerations that conceivably can be overriding, and since those considerations are related to the accomplishment of an important national program, if those views prevail, certainly we will accept it.

We would hope that if there were enactment that there would be an indication that this does not establish a precedent for other groups of non-Federal employees.

Senator RANDOLPH. How many persons are involved, Chairman Macy, would you say?

Mr. MACY. My expectation is that there would be a relatively small number of employees involved in the transfer from the county committee employment to service into the Department of Agriculture.

I discussed this with Secretary Freeman and Mr. Godfrey. They tell me they believe there is a relatively small number of employees with these committees who would be very helpful to them in the conduct of their programs in the Department.

The number would be relatively small, and in no sense equivalent to the size of the total employment of the county committees.

There are some 3,000 county committees, but we are talking about here primarily, as I understand it, those manager positions with the committees. There is one manager with each committee, so it would seem to me the outside universe is about 3,000.

Senator RANDOLPH. I am sure our next witness would have that information.

Mr. MACY. Yes, he can give you more accurate information.

Senator RANDOLPH. Off the record.

(Discussion off the record.)

Senator RANDOLPH. We will go back on the record now.

Thank you, Chairman Macy.

Is there anything, Mr. Minton or Mr. Paschal, that you would want to add to what I said?

If not, thank you, Chairman Macy.

Mr. MACY. Thank you, Mr. Chairman.

(Mr. Macy's prepared statement follows:)

PREPARED STATEMENT OF JOHN W. MACY, JR., CHAIRMAN OF THE CIVIL SERVICE COMMISSION

Mr. Chairman and members of the subcommittee, I am pleased to be here once again to present to you the views of the Civil Service Commission on legislation to confer certain Federal benefits and advantages on employees of Agricultural Stabilization and Conservation Service county committees who move to Federal positions in the Department of Agriculture.

S. 1028 is identical to S. 2206 of the 89th Congress on which I had an opportunity to testify last year, and is similar to other bills introduced in the 88th Congress. Essentially it would grant three benefits:

1. It would permit the Federal salary of a former county office employee to be set at any step of the grade to which he is appointed that does not exceed the highest rate of compensation he had received for service with the county committee. This would enable the Department of Agriculture in some cases to avoid or minimize a possible decrease in salary.

2. It would authorize transfer of the employee's accumulated annual sick leave earned in county committee service and to credit county committee service in determining the rate at which the employee earns leave.

3. It would credit service with county committees in computing total length of Federal service for retention purposes.

These provisions would treat county office employees for the purpose of these benefits as if they were Federal employees transferring from one Federal agency to another, but with the limitation that the benefits would apply only to appointment and service with the Department of Agriculture.

We have given a great deal of thought to this legislation. We have reviewed it in the light of the needs of the Department of Agriculture for the services of experienced county office personnel. And we have carefully considered the viewpoints expressed by the members of this Subcommittee last year. But once more we have come to the same conclusion we reached last year and the years before that.

Fundamentally, this is how we see it: The Federal civil service system is a comprehensive, self-contained system specifically designed and intended for Federal employment. It consists of an interdependent set of employee rights, obligations, and benefits. They fit together and they belong together. In our view it is not good business to break up the set. Parcelling out benefits piecemeal, providing benefits without corresponding obligations, creating special rights or relationships—all can lead to undesirable consequences in the equitable administration of Federal personnel programs.

One very serious consequence we can foresee in the case of county office employees is the establishment of a broad precedent that work financed by the Federal Government and carried out under close Federal direction provides an adequate basis to afford those who do the work any and all of the benefits of Federal employment.

This has become a matter of greater concern now than it was before. With the recent upsurge in the number of Federal grant-in-aid programs, Federal-State relationships have become increasingly close. Many programs have become shared programs, with substantial numbers of State and local employees involved. In 1966, there were, for example, 80,000 State government employees in Federally sponsored welfare programs, 60,000 in Federally sponsored employment security programs, and 20,000 in Federally sponsored health programs. And this is only a drop in the bucket. There are more than 4 million State and local employees working in education and highway programs which are funded in no small measure by the Federal Government. Aside from these groups, there are others, such as the 65,000 non-Federal Post Exchange personnel, who are not entitled to the benefits proposed in this legislation either.

Once the benefits and advantages proposed in this bill were granted, any of these personnel who move to Federal positions could claim similar special treatment. The end result could be a dilution of the benefits and advantages intended specifically for those who perform Federal service as Federal employees.

In raising this issue there is no intention on our part to advocate a closed, rigid structure of personnel policies and benefits just for the sake of symmetry or convenience. The Commission is very much interested in facilitating mobility of personnel between the Federal Government and other levels of government. However, in facilitating these arrangements, we are concerned to maintain clear-cut distinctions between the systems involved, to avoid ambiguity in employer-employee relationships, to establish relations with other systems on a reciprocal basis, and to keep benefits consonant with the rights and obligations of employment.

Another reason we have opposed this legislation is that it would further compound the already confused relationship between county office personnel and the Federal Government. County office personnel are certainly not Federal employees. If they were, this bill would not be necessary. Ostensibly, they are supposed to be employees of farmer-elected, farmer-composed committees of private citizens. Yet, over the years a combination of regulation and legislation has made it increasingly difficult to tell what their status really is. They seem to be suspended somewhere between Federal and non-Federal employment. For example, they are hired by non-Federal officials, but can be removed by either Federal or non-Federal officials. They are Federal employees for the benefits of Federal employment, but not for the obligations of Federal service and the protection of veteran preference laws or the laws restricting political activity. Their terms and conditions of employment are all fixed by the Department of Agriculture.

Actually there is a widespread belief that they really are Federal employees. This has been expressed in various quarters, even by the employees themselves. Allow me to cite a few examples.

At a hearing in 1964 before the House Post Office and Civil Service Committee on H.R. 8544, the Chairman of the Legislative Committee of the National Association of ASCS County Office Employees had this to say about the status of county office employees:

Let me state in the beginning that we know we are Federal employees. Our families believe we are Federal employees; our neighbors across the street or on the next farm believe we are Federal employees; the people we serve believe we are Federal employees.

In 1965, at a hearing on H.R. 2452, the past president of the National Association of ASCS county office employees said:

Our jobs are no more detached from Federal control than are the jobs of the postmasters. We are no more county employees than the Postmaster of New York City is a city employee.

All of this presents a confusing picture. The solution we see is not to compound the confusion by further obscuring the nature of county committee employment. Rather the solution that recommends itself to us is to take the logical step of making these employees Federal employees. This would settle the status of these employees once and for all. It would take care of the recruiting problems the Department of Agriculture is experiencing in obtaining the services of county office personnel. It would avoid the dangerous precedent that S. 1028 would set.

This approach has been suggested for another group of personnel whose status is somewhat comparable, the 40,000 National Guard Technicians. A number of bills to accomplish this have been introduced in the House of Representatives, including H.R. 2 and H.R. 713. If this same approach is used for county office personnel, they would be brought into the Department of Agriculture with all of their previous service credited as Federal service, and without loss of salary or benefits.

This approach was favored by two distinguished members of a study group convened by the Secretary of Agriculture to look into the farmer committee system. One was a former Secretary of Agriculture, the other a political science professor at the University of Chicago. This approach may have found favor with the employees themselves. At last year's hearing before this subcommittee on S. 2206, the identical predecessor of S. 1028, the President of the National Association of ASCS County Office Employees and its Secretary-Treasurer testified that this approach was apparently agreeable to the membership of their organization.

While I cannot speak to the effects of such a proposal on substantive program administration, which after all must be the crucial test of any change, I would guess that they would not be substantial. Under such a proposal county commit-

tees could still exercise local policy and decision-making authority over farm programs. What they would lose would be whatever authority they now have over these employees. It has been suggested that this approach would alter the concept of grass roots control over farm programs. I seriously doubt that. If the widespread assumption that these employees are already Federal has not shaken this concept up to now, then actual federalization will not do so either.

At any rate this is the solution we consider clearly desirable and the one we would prefer to see enacted at the earliest practicable time. Nevertheless we recognize that there are other viewpoints and other considerations. The Secretary of Agriculture and interested members of Congress prefer the arrangements in the form outlined in this bill for significant program reasons. Many of the benefits of Federal employment have already been bestowed on these employees by congressional action. The fact that legislation similar to S. 1028 has been introduced in the past by the distinguished Chairman of the Senate Committee on Post Office and Civil Service and others is evidence of a deep and continuing congressional interest in seeing that the benefits proposed are granted without changing the status of the employees. In addition, the Commission, of course, recognizes that the approach taken in this legislation would probably assist in solving the problem of recruiting county office personnel for related operating positions in the Department of Agriculture.

If the subcommittee decides to give favorable consideration to this legislation, I would urge that the record show that this legislation is not intended to serve as a precedent for granting Federal service credit for non-Federal service with other groups. I would further urge, if this legislation is enacted, that future consideration, at an appropriate time, be given to making these employees Federal, subject not only to the benefits of Federal employment, but to the rights and obligations as well.

This, Mr. Chairman, is a candid expression of the Commission's position on this proposal.

Thank you for affording me the privilege of appearing before you this afternoon.

Senator RANDOLPH. Before Administrator Godfrey testifies, I have a personal request from Senator Hollings, of South Carolina, and I am delighted to honor that request, because the Senator, who is a valuable member of our Post Office and Civil Service Committee, had desired to call attention to the signal honor for outstanding achievement which has come to you as an Administrator of the ASCS in the Department of Agriculture.

The career service award of the National Civil Service League, certainly a coveted award, not often received by Federal employees, has been presented to you. So I add my congratulations to those of Senator Hollings, and also to the other nine awardees.

You have had standards of excellence in service, which I am sure are inspirations to all workers within the Federal structure.

Mr. Godfrey, if you would give your comments just highlighted, on your statement, this would be helpful.

STATEMENT OF HORACE D. GODFREY, ADMINISTRATOR, AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE

Mr. GODFREY. First, Mr. Chairman, I would like to thank you and Senator Hollings both for your comments.

I have a very short statement that I would like to present for the record, as you requested, and merely comment that we in the Department of Agriculture, as Chairman Macy has already outlined to you, feel that this piece of legislation would be of tremendous benefit to us, in recruitment of trained personnel to fill vacancies throughout our organization, so we endorse the passage of the legislation and support it fully.

(Mr. Godfrey's prepared statement follows:)

PREPARED STATEMENT OF HORACE D. GODFREY, ADMINISTRATOR, AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. Chairman and members of the subcommittee, I appreciate the opportunity to appear in connection with your consideration of S. 1028.

This legislation proposes to eliminate the severe hardship which ASCS county committee employees now suffer if they accept Civil Service employment in the Department of Agriculture. S. 1028 would:

1. Permit the Department to appoint an ASC county committee employee to a Civil Service position at a salary step which does not exceed his prior county salary rate.

2. Transfer the county committee employee's annual and sick leave when he moves to a Civil Service position in the Department of Agriculture.

3. Credit his county committee employee service for leave-earning and reduction-in-force purposes.

I can personally assure you of the dedicated service rendered by ASC county committee employees. They are a group which I am proud to be associated with in serving the American farmer. We have not seen fit to recommend Civil Service status for these employees for the simple reason that we did not believe this could be done without doing violence to the farmer committee system of local administration which has been so successful over the years. However, they are dedicated in their service to the Department, and it has been our policy to see that they are accorded fringe benefits comparable to employees under Civil Service.

Many experienced county committee employees are and will, in the future, be needed to fill more responsible positions within ASCS and the Department. A few county committee employees have accepted assignments in Civil Service positions. They were required to take salary cuts and they lost their accumulated sick leave. Salary cuts can amount to over \$2,000 for an employee moving to a comparable level position. Such a cut in salary would occur, for example, if a county office manager at Step 10 of CO-9 is appointed to a comparable level Civil Service position which is GS-9. A county employee advancing to a higher level position may be required to take a salary cut of over \$800. A county employee with ten to fifteen years of service probably has over 1,000 hours of sick leave. The loss of this leave is a serious loss of financial protection against future illness.

ASC county committee employees are a primary source of qualified candidates to fill key positions in ASCS State offices. This source of talented personnel with years of invaluable experience in the Department's programs at the grass roots level also provides the source for filling many other positions within the Department. Without this legislation, we will be deprived of the services of persons seriously needed.

The Department strongly supports the enactment of S. 1028.

Senator RANDOLPH. Thank you, Administrator Godfrey. I recall earlier testimony which has been given in this connection, and I strongly favor this legislation. I realize that we can raise reasons why any bill should not become law.

I recall back in 1936 when I made a very determined effort to pass a law which would provide opportunities for the blind to operate vending stands in Federal buildings. I received opposition from the Post Office Department.

Well, the Post Office Department today, after more than 30 years of the history of that act, is enthusiastic for what was done.

So I do not become too upset when we find some reluctance. Today, 2,700 blind persons receive support throughout Federal, State, and county buildings by operating these stands, averaging over \$4,400 a year each in earnings, self-sustaining, part of our free enterprise system, sales people contributing taxes, and yet, there was this reluctance.

I remember we offered a bill to set up a superhighway system throughout the United States of America in the 1930's. I had the

opposition of the Bureau of Public Roads. It is difficult to believe, but this was the situation.

I should not identify myself with two proposals that later became law, but I did introduce these measures, both of them, in the 1930's and now we know the results.

I am only indicating today that Senator Monroney's approach is sound, and even though we have some questions, I think we should move forward in this area, and I am sorry we have not done it sooner.

I think more and more we need to think in terms of the men and women who work the soil, and in a broader sense, those persons who are identified with rural America.

I hope that we are not compressing to too great a degree our pattern of population. Seventy percent now of all our population, living on 1 percent of the land of the United States of America.

Eighty percent of all our manufacturing industry, on 1 percent of our land. I think this raises some questions about rural America, very frankly, and the need to spread our population; and when the population spreads, more and more people are going to have an appreciation of the good earth.

We will find strength that will come from people not being constantly in high-rise apartments, where they do not know their next apartment dweller. But there will be the human element once more breathed into America as it was in the days before we changed from an agricultural to an industrial society.

I didn't mean to preach this afternoon. I am only making a few observations that I think are perhaps pertinent as we consider legislation of this type.

These people who are identified with the soil, with the conservation of the soil, we ought to think of them. This is the way we can do it. The benefits we provide for them will be shared in a widening circle by the citizenry of this country.

Are there any questions you have?

Senator FONG. I have none.

Senator RANDOLPH. Thank you very much.

Mr. Jones?

STATEMENT OF WOODROW JONES, PRESIDENT, NATIONAL ASSOCIATION OF ASCS COUNTY OFFICE EMPLOYEES; ACCOMPANIED BY DILLARD LASSETER, LEGISLATIVE COUNSEL; MR. CLYDE R. PAYNE, SECRETARY-TREASURER; AND JOY L. FLUD, FORMER PRESIDENT

Senator RANDOLPH. Did you just have notes, Mr. Jones, or do you have a formal statement?

Mr. JONES. Yes, sir. We have a formal statement.

Senator RANDOLPH. If you would, Mr. Jones, highlight, and then your statement will be put in the record.

Mr. JONES. We want to thank you for this opportunity to talk to you again on this legislation. Your distinguished group has been most tolerant and considerate in hearing us in the past, as you recall, on this identical legislation earlier.

Our views have not changed materially. However, we feel that as time passes the need becomes more acute that the legislation be enacted.

Mr. Macy and Mr. Godfrey have recalled and discussed some of the issues you will find in my statement.

We realize that the gentlemen on your committee have an almost impossible schedule to meet, and we are perfectly willing that our statements be entered into the record and our secretary-treasurer, Mr. Clyde Payne, has a prepared statement that he might wish to say something about.

Senator RANDOLPH. Clyde, do you, or Dillard, or Joy have anything to say?

Mr. PAYNE. Sir, I have filed my statement. Mr. Jones can speak for us, if that is agreeable.

Senator RANDOLPH. All right.

(Mr. Payne's prepared statement follows:)

PREPARED STATEMENT OF CLYDE R. PAYNE, SECRETARY-TREASURER OF THE NATIONAL ASSOCIATION OF AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE COUNTY EMPLOYEES (NASCOE)

I am Clyde R. Payne, Hamilton County ASCS Office Manager, Jasper, Florida, and Secretary-Treasurer of the National Association of ASCS County Employees.

The National Association of Agricultural Stabilization and Conservation Service Employees (NASCOE) is a voluntary organization of County Agricultural Stabilization and Conservation Service Employees—hereafter referred to as ASCS employees. Approximately 94% of ASCS employees are members of NASCOE. The sole purpose of this organization is to promote the welfare of its members. Each state of the U.S. has a state organization of ASCS county employees that is affiliated with NASCOE. Each state affiliated has two members on the Board of Directors. NASCOE has national officers and an executive committee representing the six ASCS geographic areas of the United States. They are:

Area	Name	City/State
Northwest.....	Tom Rennard.....	Casper, Wyo.
Southwest.....	R. M. Christensen.....	Red Bluff, Calif.
South Central.....	Jack Gipson.....	Walnut Ridge, Ark.
Southeast.....	E. T. Sullivan.....	Geneva, Ala.
Northeast.....	Evelyn Yeagle.....	Collegeville, Pa.
Midwest.....	Robert Scales.....	Plankinton, S. Dak.

Officers	Name	City/State
President.....	Woodrow Jones.....	New Boston, Tex.
Vice president.....	Ray Vanderhorst.....	Bussey, Iowa
Secretary-treasurer.....	Clyde R. Payne.....	Jasper, Fla.
Past president.....	Joy L. Flud.....	Durant, Okla.

All officers, committeemen, etc., are ASCS employees with no salaried personnel, but we do have on a retainer basis Mr. Dillard B. Lasseter, P.O. Box 270, Washington, D.C. 20044, who keeps us advised on legislative activity and assists us in legislative work.

The Agricultural Stabilization and Conservation Service employees carry out various *Federal programs* assigned to them by the Congress, Secretary of Agriculture, Executive Orders, etc. The headquarters for ASCS is in the United States Department of Agriculture Building, Washington, D.C. There are also state and county ASCS offices who administer *only* Federal programs. County, city or state governments have no connection with the national, state or county level of ASCS.

ASCS employees on the county level administer directly to farmers of the U.S. a great number of the complex USDA farm programs; such as, the Soil Bank, Agricultural Conservation, Marketing Quotas (tobacco, cotton, wheat, peanuts and rice), Commodity Credit Loans, Cropland Adjustment Program, Wool Incen-

tive Payments, Sugar, Feed Grain, etc. These are practically all the action programs of USDA.

Previously, the Post Office and Civil Service Committee had determined and the Congress agreed—and we ASCS employees shall always be grateful to you—that we, the ASCS employees on the county level, would have Civil Service retirement, health and life insurance previously given to other Federal workers and you have included us in recent pay adjustment bills. Today, we are before you representing approximately 15,000 ASCS county employees asking you to act favorably on Senate Bill 1028. This bill is supported by our members because it would extend to a group of loyal Government employees in ASCS county offices equal (not preferred) treatment enjoyed by other Government employees to be eligible to transfer or be promoted in Governmental work.

It is a time honored American principal of management for employees to "rise through the ranks." However, in ASCS we can't afford to be promoted to State or Washington offices because we would forfeit all accumulated sick leave, retention rights, etc., and have our leave earning capacity rolled back to the same level as a new employee recruited from the streets. Employees advancing from our sister agencies on county level do not have this problem.

The Government would be greatly benefited if this legislation passed. An example being that the U.S. Department of Agriculture could draw from the talents of county ASCS personnel, who have had years of experience dealing directly with the farmer with USDA action programs, to assist with formulating policy and procedures, etc. Not only would this be beneficial to USDA, but would offer dedicated career people the opportunity to advance in their chosen field without losing the items covered by this proposed legislation. The legislation would not permit us to by-pass any examinations or special requirements, etc.

We would hope this legislation could be retroactive to the date ASCS employees were given Civil Service Retirement by the graciousness of your Committee and the Congress.

We certainly appreciate your assistance in our past desires and the fairness of your action. We, again, hope you will see fit to recommend to the Congress this specific piece of legislation which will give us equal treatment and at the same time assist USDA to solve acute personnel problems.

Thank you for listening to our case.

Mr. JONES. We also have with us Mr. Raymond Vanderhorst, from Iowa.

Senator RANDOLPH. Thank you, we will make a note of your presence here for the record.

Mr. JONES. We believe we are in good hands, and we will abide by your decision. We will be happy to answer any questions you have at this time.

Senator RANDOLPH. Thank you very much, Mr. Jones.

Senator Fong?

Senator FONG. No questions.

Senator RANDOLPH. Thank you very much.

(Mr. Jones' prepared statement and appendix follow:)

PREPARED STATEMENT OF WOODROW JONES, PRESIDENT, NATIONAL ASSOCIATION
OF ASCS COUNTY OFFICE EMPLOYEES

Mr. Chairman and distinguished committee members, for the record, I am Woodrow Jones. I am employed as office manager for the Bowie County Agricultural Stabilization and Conservation Office in New Boston, Texas. I speak on behalf of the people who work in the approximately 3000 county ASCS offices of this country. I do this as president of the National Association of ASC County Office Employees. In this day of common alphabetical references, we refer to ourselves as NASCOE. My colleague, Mr. Clyde R. Payne, our Secretary-Treasurer, will acquaint you with the membership and internal structure of our organization.

The agency for which we work is one of the largest divisions of the U.S. Department of Agriculture. Its functions devolve solely from actions in the Congress directing the Secretary of Agriculture to administer various action programs.

The people for whom I speak work at the county level applying laws and regulations to the individual farms. We have no connection with a state, county or

local political subdivision other than the fact our area of jurisdiction is the county where the office is located. In a few instances, two or more counties have been combined to give the office sufficient workload to justify its existence. Even though all our actions are controlled and directed through Federal mandate, we are not covered by Civil Service statute, however, we do enjoy some fringe benefits of the system. The wisdom of this good committee helped make low-cost life insurance, health insurance and retirement available to us. Also, you have been kind enough to include a statement in each salary adjustment bill since 1960 that extended its provisions to us. I want to take the time to thank you again for such consideration.

Although, we are told we are "non-Federal" or "non-Government" our every official act is governed by Federal statute or directive. We work only on Federal programs. The Secretary of Agriculture, through subordinates responsible to him, issues the regulations providing conditions of our employment. He delegates authority to the Deputy Administrator, State and County Operations, to issue instructions implementing the regulations. Under this authority there has been issued a series of handbooks (commonly referred to in the agency as the CA series) dealing with county administrative matters. In addition to implementing the regulations, these handbooks serve as manuals of instructions for county office employees. They cover every administrative aspect of county office operation. This includes employment and removal of county office personnel, budgeting of funds, record handling, administrative services, and so forth. They set standards for classification of all positions in the county office, establish the rates of pay, procedure for filling vacancies, and minimum qualifications for county office managers and subordinate positions. In addition, some standards for conduct off-the-job are set.

As far as Federal direction is concerned, there is no agency whose personnel is more adequately supervised. We receive instruction from the State office daily. The district fieldman, working out of the State office—under its supervision—and who is under Federal appointment, visits each county office from fifteen to twenty-five times each year supervising to the extent necessary to see that all directives are being observed. A representative of the State Performance Supervisors office visits each office from four to eight times a year to direct work in the field. In addition, an auditor from the Office of the Inspector General usually spends about three weeks annually checking all records and all programs. There are many other facts that would establish we are as "Federal" as any part of our Government but each of you are well enough acquainted with these activities in your area to make your own deduction without my taking up your time, here.

The legislation being considered—S. 1028—would extend to a group of loyal Government employees equal treatment to that enjoyed by other Government employees. It would give those in our offices who through their initiative and training become eligible for promotion to another level of our agency or a different agency in the public service the opportunity to do so without the penalties they face under present circumstances.

We have all seen or heard of cases where the head of great corporations began their service assigned to the lowest category. In ASCS under present work rules this advance cannot be made without serious loss of benefits that may have been earned over the years.

To move from county office employment into State office, commodity office, or Washington office employment, improper sacrifices are necessary. All accrued sick leave is forfeited. Any accumulated annual leave must be liquidated by lump-sum payment. Any past service does not count for annual leave purposes. Even though the individual may have as much as 33 years of exemplary service and even have received USDA's Superior Service Award, he must begin in the same category as one who might be hired "from the street".

The situation concerning salaries is just as ridiculous. Salary rates for corresponding grades and steps are now the same for county office employment as is the case in the other levels. Let me give you an example—a county office clerk in grade CO-5, step 10, is paid the same salary as a GS-5, step 10, \$6915. If State, commodity or Washington employment is offered in the same grade (GS-5) they would be required to start in step 1 at \$5331 per year. If in the process a promotion to grade GS-7 is involved there would still be a salary cut of \$464 per annum.

Other Government employees in our sister agencies do not face these deterrents. When a clerk in a small town postoffice transfers to another level or an employee at the arsenal in my county transfers to the Pentagon no loss results. And, even when an employee transfers from employment in other branches of the Government to ASCS they do so without being penalized in this manner. This is the case

even though the employee may be transferring from the county level of a sister USDA agency. And, the same is true if the usual transfer procedure is reversed. I refer here to the possible transfer from Washington, State or commodity office to a county office.

In addition to the employee needs there is the welfare of the American farming community and the public interest to consider. These would be the most favored benefactors of this legislation. Our agency came into being in the early 1930's. Many of the key positions are presently occupied by employees nearing retirement age. The serious recruitment problem existing now will surely be intensified shortly. Approval of this bill would help alleviate these circumstances. Employees trained at the county level of our agency would find it possible to accept promotions into these positions.

Our people work where we are face to face with the farmer and his problems on a day-to-day basis. We believe people advanced from more recent contacts with the basic elements of agriculture can most likely be relied upon to do a better job at the program formulating and policymaking level of the agency than would someone who has not had this experience.

During our contacts with people in ASCS and USDA at the Washington level, we have found they agree with our philosophy. Identical legislation was introduced into the Eighty-eighth and Eighty-ninth Congresses. I want to call your attention to a letter that was inserted into the record of a hearing held on one of these bills (H.R. 8544, 88th Congress). I refer to a letter written by the Secretary of Agriculture, Honorable Orville L. Freeman to the Committee Chairman. I have prepared a copy and made it an appendix to my statement. I will not burden your time to read it; however, I would like to call your attention to the second paragraph. It says—

"This Department recommends that the bill be passed."

And, he went on to discuss some of the conditions I have brought to your attention.

Finally—I want to point out—this legislation, if enacted, will not give us preferential treatment. It will only give us equal opportunity to advance in our vocation along with other Government employees. The legislation would not permit us to bypass any examination or other qualification requirement. We are as interested as you or anyone else in maintaining good program administration and would be the last group to ask for special treatment or relaxing of any requirements. I want to emphasize, again, we only hope to be treated exactly like other Government employees.

I count it a privilege to have imposed on your time. The people I represent appreciate your tolerance.

We know our cause is in good hands.

Thank you for your kindness.

APPENDIX

DEPARTMENT OF AGRICULTURE,
Washington, D.C., March 30, 1964.

Hon. TOM MURRAY,
Chairman, Committee on Post Office and Civil Service,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request of February 3, 1964, for a report on H.R. 8544, a bill to extend the benefits of the Annual and Sick Leave Act of 1951, the Veterans' Preference Act of 1944, and the Classification Act of 1949 with respect to employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes.

This Department recommends that the bill be passed.

The bill extends benefits to persons who have served as employees of agricultural stabilization and conservation county committees comparable to those provided to other employees of the Federal Government. Specifically, the bill provides that ASC county committee employees who separate from their positions to accept appointment in other positions within the Federal Government will receive the following benefits:

1. County committee employees moving to positions under the Classification Act may have their rate of compensation set at a rate which would eliminate or minimize reductions in salary now required in many cases.

2. Annual and sick leave to the credit of county committee employees shall be transferred with them in their employment under the Annual and Sick

Leave Act on the same basis as transfers between leave systems provided in that act.

3. County committee employee service will be creditable service for determining annual leave earning rate for employees serving under the Annual and Sick Leave Act.

4. County Committee employee service will be creditable service for seniority purposes in connection with the application of reduction-in-force procedures.

The enactment of H. R. 8544 would materially improve the ability of the Department to interest county committee employees in transferring to other positions within the Department. These employees are a primary source of candidates to fill key positions in ASCS State offices. This reservoir of talented personnel with years of invaluable experience in the Department's programs at the grassroots level also provides the source for filling many other positions within the Department.

Currently the salary rate paid a county committee employee is not used in establishing the salary rate applicable to his appointment to a position under the Classification Act. This hinders our recruitment of such personnel because the county salary rate cannot be protected upon appointment to a Classification Act position. For example, county committee employees at grade CO-9 have the same salary rate for each step of the grade as an employee serving under the Classification Act occupying a position at grade GS-9. An employee at CO-9, step 10, \$9,100 per annum, would upon appointment to a position at GS-9 be paid the first step, or \$7,030 per annum. He would, therefore, receive a salary cut of \$2,070 per annum. The same employee, if selected for a GS-11 position, would receive a salary cut of \$690 per annum even though he is being advanced to a higher level position. The Classification Act does provide for protecting the salary rates of persons appointed from positions not covered by the Classification Act, such as the Foreign Service of the State Department. This benefit is also extended to legislative and judicial employees. The extension of comparable benefits as provided in this bill would remove a major bar limiting our ability to interest county employees in transferring to other departmental positions.

Service as a county committee employee is not creditable service for purposes of the Annual and Sick Leave Act. Annual and sick leave to the credit of our county employees cannot be transferred with them when they accept positions under the Annual and Sick Leave Act. A county employee with 15 years of county employee service earns 26 days annual leave each year. If this employee is appointed to a civil service position under the Annual and Sick Leave Act, he would earn only 13 days of annual leave each year. Provision for crediting his county service under the Annual and Sick Leave Act would allow this employee to continue earning 26 days of annual leave. This same employee would probably have a sizable annual and sick leave balance. The acceptance of a civil service position under current law requires that he forfeit his sick leave balance and receive lump-sum payment for his annual leave. This lack of interchange between leave systems is a deterrent to our recruitment efforts.

The section of the bill relating to the Veterans' Preference Act would credit county committee employee service for seniority purposes in connection with reduction-in-force actions. Currently county committee employees entering civil service positions do not receive such credit. They are treated for reduction-in-force purposes as employees entering the Government service for the first time. This fact promotes a feeling of insecurity on the part of county employees considering transfers to civil service positions.

The enactment of this legislation would not require additional appropriations.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

(NOTE.—The foregoing appeared on pages 17 and 18 of the report of hearings before the Committee on Post Office and Civil Service, House of Representatives, Eighty-Eighth Congress, Second Session on H.R. 8544, June 26 and 29, 1964.)

Senator RANDOLPH. Mr. Hinden, will you identify yourself?

**STATEMENT OF BEN HINDEN, LEGISLATIVE ASSISTANT,
NATIONAL FEDERATION OF FEDERAL EMPLOYEES**

Mr. HINDEN. My name is Ben Hinden. I am on the legislative legal staff of the National Federation of Federal Employees.

Dr. Nathan Wolkomir regrets very much that it is not possible for him to be here today, Mr. Chairman, but he has been called out of the city and has asked me to be here and represent him.

In accordance with your request, I will not read his statement, but will submit it for the record. I would just like to point out that we are in favor of S. 1028.

Last year we also expressed our support of a similar bill.

We would like to call attention to the fact that the NFFE is not only supporting this legislation, but is also supporting legislation to bring employees of the Selective Service System under the Classification Act.

S. 555, introduced by Senator Brewster, would extend the classification provisions to selective service employees who, like these Agricultural Stabilization and Conservation Service county committee employees, carry all the responsibilities of Federal employees, but are denied some of the most important rights and benefits which are accorded other employees.

There are other employees, certain personnel with the Comptroller of the Currency, bankers and others, who we feel should be brought under the Classification Act.

We again emphasize our endorsement of S. 1028 and present to the chairman and members of the subcommittee our thanks for their attention and interest today.

Senator RANDOLPH. Thank you very much, Mr. Hinden, for presenting this statement. I like the words that are used, that by every yardstick they uphold the standards of Federal service.

Senator FONG. No questions.

Senator RANDOLPH. Thank you very much, sir.

(Mr. Wolkomir's prepared statement follows:)

**PREPARED STATEMENT OF NATHAN T. WOLKOMIR, PRESIDENT, NATIONAL
FEDERATION OF FEDERAL EMPLOYEES**

Mr. Chairman and members of the subcommittee, my name is Nathan T. Wolkomir. I am President of the National Federation of Federal Employees, which is the oldest of all general unions of Federal employees. This year, 1967, marks the 50th Anniversary of the founding of the NFFE. We have a great many employees in the Department of Agriculture, and have had since the inception of the NFFE nearly 50 years ago.

I am here today, Mr. Chairman, to express our support for S. 1028, a very worthy measure which would extend the provisions of the Classification Act, the Veterans' Preference Act, and the Annual and Sick Leave Act to employees of the County Committees which function under the Agricultural Stabilization and Conservation Service, when appointed to a position under the Department of Agriculture.

This is one of the largest agencies of the Department of Agriculture, handling various programs and performing services for the Nation's farmers which are vital to their progress and well-being. It is responsible for the proper expenditure of large sums and in addition to handling extensive agricultural conservation programs it is responsible for marketing and allotment programs.

Most counties in the United States—indeed all except those which are metropolitan areas in their entirety—have ASCS County Committees and it has been said that they represent the agency of the Department of Agriculture which probably is closest of all to the farming community.

The civic-minded people who constitute the County Committees appoint the office staff to carry out the functions of the committee and they do so on the basis of qualifications spelled out by the Secretary of Agriculture. These employees must meet these qualifications before appointment. Office staffs generally range from one to five employees, averaging about three.

The fact is that these employees have all the responsibilities of Federal employees but without many of their benefits. They are constantly dealing with the public as Federal employees, they are handling Government funds and carrying out Government programs and policies. But they are not paid in accordance with the provisions of the Classification Act, nor are they under Veterans Preference or the Leave Acts.

The need for legislative action to deal justly and fairly with these employees is widely recognized. Indeed, it is recognized by the Department of Agriculture which has taken some steps to improve their lot.

The NFFE is supporting this legislation as it has sponsored and supported legislation, as yet not acted upon, to bring employees of the Selective Service System under the Classification Act. S. 555, introduced by Senator Brewster, would extend the classification provisions to Selective Service employees, who like these ASCS employees, carry all of the responsibilities of Federal employees but are denied some of the most important rights and benefits which are accorded other Federal employees. There is also another group of employees, certain personnel with the Comptroller of the Currency, Department of the Treasury, i.e. bank examiners and others, which we feel should be brought under the Classification Act.

In these instances, however, we would emphasize most strongly that remedial legislative action should be taken not only in justice to the employees, but as a step dictated by every consideration of sound personnel administration—in the public interest. There is no justification whatever for leaving these sizable groups of employees outside the pale of what might be termed full citizenship as Federal employees; of continuing them in the limbo in which they presently function.

Mr. Chairman, these employees—the County Committee employees, the Selective Service employees, and the mentioned personnel with the Comptroller of the Currency—have demonstrated that by every yardstick they uphold the high standards of the Federal Civil Service. By every yardstick it is right, proper, and in the national interest to place them in the mainstream of our Civil Service system.

I again emphasize our endorsement of S. 1028, and also express to the members of the Subcommittee my thanks for their interest and attention today.

Senator RANDOLPH. Our next witness is Mr. Thomas G. Walters. Mr. Walters.

STATEMENT OF THOMAS G. WALTERS, SPECIAL ASSISTANT TO THE PRESIDENT, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

Mr. WALTERS. I am Thomas G. Walters, Mr. Chairman. With your permission, Mr. Chairman, I would like to introduce my new assistant, Mr. Carl Saddler, who comes from Oklahoma and who will be on our legislative team from here on out, and we, of course, would like permission to file our statement and to state that we wholeheartedly, and have for several years, supported the intent of this legislation, and of course we feel that there are several other small groups, like selective service people and others, who I think should be given attention and especially a group of people who worked in WPA days that part of them, depending on how the money was paid, were entitled for credit for Federal retirement and others were not.

With your permission, I would like to ask Mr. Joseph Reams, for about 1 minute, who is on our staff and is one of those people who worked in 1930, but because of the way he was paid he could not count that toward Federal service and with that I will conclude my statement, if you can give him about 1 minute.

Senator RANDOLPH. Yes. We will be happy to have him.

STATEMENT OF JOSEPH REAMS, DIRECTOR OF PERSONNEL,
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

Mr. REAMS. I am presently employed as Director of Personnel, American Federation of Government Employees.

I worked for the Federal Government lacking just a few months short of 15 years before I went to work for AFGE 18 years ago.

Eight of those years I was in the Education Department of the Works Project Administration. At that time they had a designation. I was hired because of my educational training.

I had done graduate work in adult education, I was not a recipient of the program, but when I transferred to the Education Division as educational division officer of the Immigration and Naturalization Service in 1943, I found that the 8 years I had worked as an employee of the WPA adult education and citizenship education project at the level of State supervisor for the State of Ohio, that I had about 8 years and 2 months of what I thought was Federal service that was not creditable toward retirement, and still is not today.

I know a few who have continued on in Federal service from their connections in those years, and there were a handful of us who went on into Federal service and continued to work, but have that gap of 8 years that we cannot count towards retirement, and it makes quite a difference.

We think that it would be wonderful if we could have consideration along with these other groups.

Mr. WALTERS. Mr. Chairman, while I was over at the Civil Service Commission, I made an investigation of these cases, with the cooperation of Andy Ruddock, the Director of the Bureau of Retirement and Insurance, and we found people sitting on one side of the table and the other doing the same type of work, but because of the allotment of the money, one person would be entitled to count toward retirement, and the other person would not.

But it was one of those quickie laws back in the Depression days that brought this about, so we thought we would bring this to the attention of the committee, and perhaps with the cooperation of the staff and Mr. Reams and others, we might find a way, someday, to do something for these people.

Senator RANDOLPH. Yes, Mr. Walters, I think the statement of Mr. Reams does give us the basis for a further, but later, look at this situation.

Here, we are identifying a problem with a group of people, and it has been a subject of prior hearings and actions, and I would not want to—I don't use the word "encumber" the legislation exactly—but I would not want the issue to become proliferated here to a point where it might hurt us.

Mr. WALTERS. We don't, either.

Senator RANDOLPH. I know that is your feeling. We might get into an area, Mr. Reams, where we might begin to open doors—not that they should not be opened—but here I think we have got a case that we have already made.

Mr. WALTERS. We certainly agree with you. In talking with the staff, I made that very clear that we did not want to do anything to

slow down or impede this legislation, but we do think at some future date we should look into some of the other things.

Thank you, Mr. Chairman.

Senator RANDOLPH. Thank you.

Mr. WALTERS. I would like the record to show that President Griner wanted to be here, but he is out of the city, and cannot be here today.

Senator RANDOLPH. Yes; thank you very much, those who have testified.

(Mr. Griner's prepared statement follows:)

PREPARED STATEMENT OF JOHN F. GRINER, NATIONAL PRESIDENT, AMERICAN
FEDERATION OF GOVERNMENT EMPLOYEES

The Bill, S. 1028, has the support of the American Federation of Government Employees inasmuch as it would provide benefits for persons who served as employees of committees identified with certain Federal agricultural programs. The service to be credited was with county committees established pursuant to the Soil Conservation and Domestic Allotment Act and the Agricultural Adjustment Act of 1933. These programs are partly supported by Federal funds.

We commend Senator Monroney for sponsoring this measure which would supplement earlier legislation of a similar character.

Some of these employees already have received the benefits of the Civil Service Retirement Act, the Federal Employees Group Life Insurance Act, and the Federal Employees Health Benefits Act. To add such a benefit as coverage under the Classification Act and the Annual and Sick Leave Act is only a logical extension of earlier legislation.

The Bill would permit an employee of a county committee, established pursuant to the Soil Conservation and Domestic Allotment Act, upon appointment to a position in the Department of Agriculture, subject to the Classification Act, to receive a rate of pay provided by that Act. The rate would be fixed so as to take into account the highest previous rate of compensation received during service with a county committee. The experience of such an employee in an agricultural program in one of the States has augmented his value in his later employment with the Department of Agriculture.

The Bill also would give credit for service as an employee of a county Committee in the application of the Annual and Sick Leave Act of 1951, as amended, and for computing length of service in determining action in a reduction in force under section 12(a) of the Veterans Preference Act of 1944, as amended.

Service credit for leave purposes also would be made available to employees of a county committee established under the Soil Conservation and Domestic Allotment Act as well as an employee of a committee or an association of producers established pursuant to the Agricultural Adjustment Act of 1933. Such employees would also be eligible to have their service credited for determining their standing in a reduction in force.

Conferring such benefits on employees of committees involved in these agricultural programs is but an extension of the benefit provided by Public Law 87-350, approved October 4, 1961, which permitted such employees, if and when employed by the Department of Agriculture, to qualify on the basis of their earlier service for coverage under the Federal Civil Service Retirement Act.

Another type of service—that with the Work Projects Administration in the 1930's—is in our opinion worthy of consideration for legislative treatment similar to that accorded employees identified with the Federal-aid programs affected by the Bill, S. 1028. We believe provision should be made for giving retirement service credit to this relatively small group, with the opportunity for the employee to deposit an amount equivalent to deductions from salary that would otherwise have been made in those earlier years.

In fact one of our staff members was State Director, Adult Education and Citizenship Education Project, for the State of Ohio. Due to the fact that in those days all supervisors, with the exception of topmost administrative officers, were paid from project funds, instead of administrative funds, supervisors had project status. Even though these employees served in top supervisory and administrative positions, the fact that they were paid from project funds, rather than administrative funds, they were denied credit for these years of Federal service toward the computation of their Civil Service retirement annuity. The manner in which

these supervisors were paid, from project rather than administrative funds, was an accounting subterfuge used in those days to hold down administrative costs.

It is believed that only a few persons in this category are still working for the Federal Government. However, if all employees who served and were compensated in this manner were still in Federal Service, the number would be relatively small.

I would also like to request the Subcommittee to investigate the possibility of crediting for purposes of coverage by the Federal Civil Service Retirement Act such periods of service as that of Commissioner of the New England Interstate Water Pollution Control Commission. This type of service would be recognized only if the individual were serving in a regular Civil Service position subject to the Retirement Act at the time of his retirement or death.

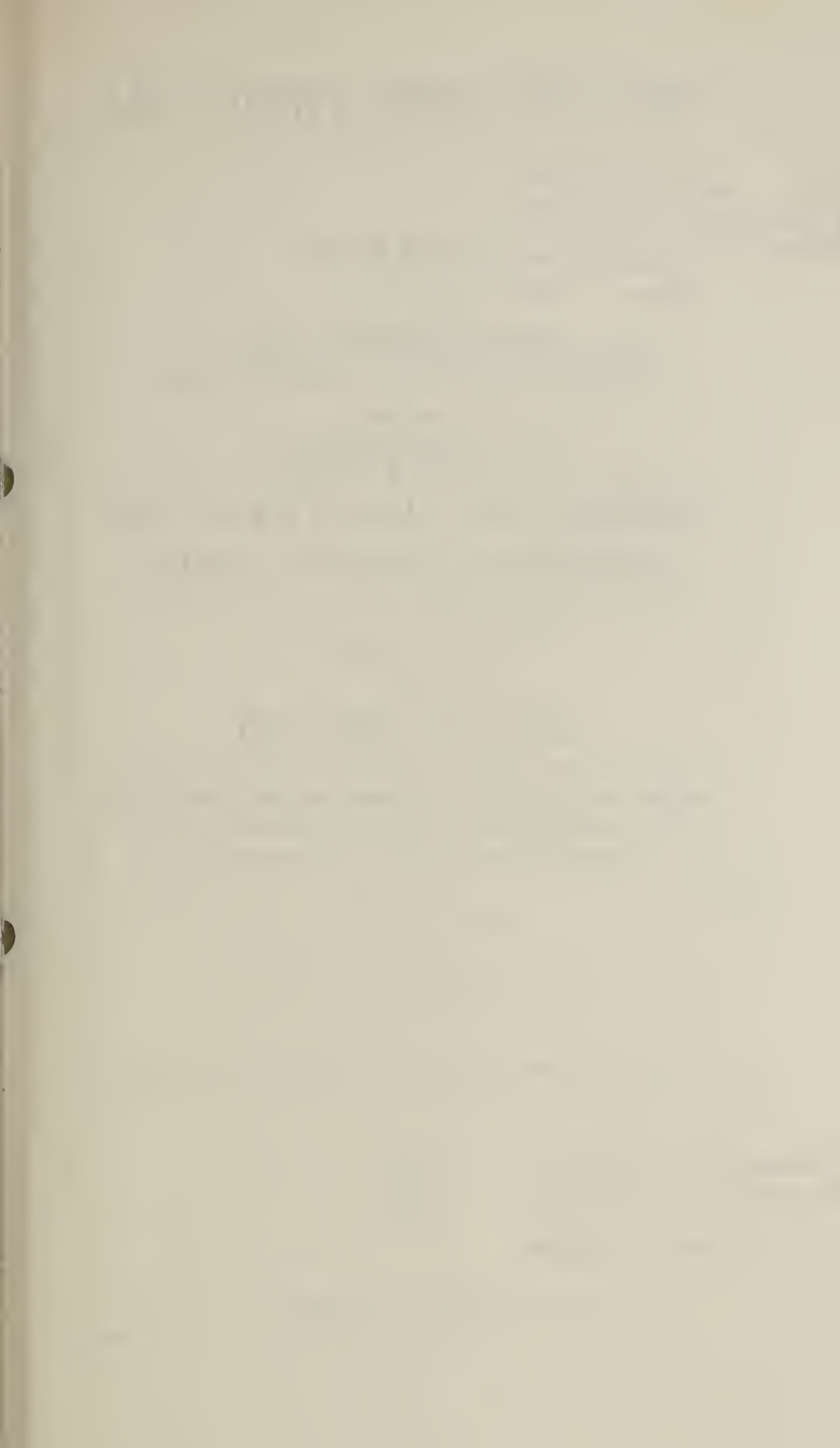
The New England Interstate Water Pollution Control Commission is an interstate compact created by Federal law. Its activities are financed almost entirely by grants under provisions of the Federal Water Pollution Control Act and its functions are supervised by the United States Public Health Service.

The significant and important argument for the adoption of S. 1028 is that it would result in virtually no direct cost to the Federal Government. It does no more than provide eligibility for annual and sick leave and determine the order in which an employee would be separated if he became involved in a reduction in force. It would also determine his initial salary rate upon employment in the Federal Service. None of these benefits would be conferred on an employee who was identified with any of these programs unless he had occupied a regular Civil Service position.

Thank you, Mr. Chairman, for this chance to comment on these proposals.

Senator RANDOLPH. The hearing will be adjourned.
(Whereupon, at 2:50 p.m., the hearing was adjourned.)





ASCS COUNTY OFFICE EMPLOYEES

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HEARING

BEFORE THE

SUBCOMMITTEE ON

MANPOWER AND CIVIL SERVICE

OF THE

COMMITTEE ON

POST OFFICE AND CIVIL SERVICE

HOUSE OF REPRESENTATIVES

NINETIETH CONGRESS

FIRST SESSION

ON

H.R. 6299 and S. 1028

BILLS TO EXTEND CERTAIN PAY, LEAVE, AND RETENTION
PREFERENCE BENEFITS UNDER TITLE 5, UNITED STATES
CODE, TO EMPLOYEES OF THE AGRICULTURAL COUNTY
COMMITTEES, AND FOR OTHER PURPOSES

OCTOBER 10, 1967

Serial No. 90-21

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LIFE
OF
JAMES
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BY
JAMES
MILN
ESQ.
OF
GLASGOW
IN TWO VOLUMES
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ASCS COUNTY OFFICE EMPLOYEES

TUESDAY, OCTOBER 10, 1967

HOUSE OF REPRESENTATIVES,
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
SUBCOMMITTEE ON MANPOWER AND CIVIL SERVICE,
Washington, D.C.

The subcommittee met at 10:08 a.m. in room 346, Cannon House Office Building, Hon. David N. Henderson (chairman of the subcommittee) presiding.

Mr. HENDERSON. The subcommittee will come to order.

Today we are holding public hearings relative to the bills H.R. 6299 and S. 1028 that would amend title V of the United States Code to extend certain benefits to former employees of the agricultural county committees. S. 1028 was passed by the Senate on June 28 of this year. H.R. 6299 was introduced by a member of the full committee, our colleague, the Honorable Morris K. Udall on February 28, 1967.

Basically the two bills are similar and provide agricultural county committee employees who separate from their positions to accept appointments to positions in the Federal civil service system with the following benefits:

1. The county committee employees moving to positions under the Classification Act would have their rate of compensation set at a rate which would eliminate or minimize reductions in salary now required in many cases.

2. Annual and sick leave to the credit of the county committee employees would be transferred with them to other positions on the same basis as transferred within leave systems provided in the Annual and Sick Leave Act.

3. County committee employee's service would be credible service for seniority purposes in connection with the application of reduction-in-force procedures.

The Senate-passed bill, S. 1028, would limit transfer of benefits to general schedule positions only in the Department of Agriculture, whereas H.R. 6299 would provide benefits to any job subject to the general schedule.

The other major difference in the two bills relates to the retention of preference benefits. The Senate bill does not limit retention preference to service performed before July 10, 1960, but includes all service wherever and whenever rendered.

Today we have witnesses representing the Department of Agriculture, the Civil Service Commission and several employee organizations. Our first witness this morning will be Mr. Ray Fitzgerald, Deputy Administrator, State and County Operations of the Agricultural Stabilization and Conservation Service, accompanied by Mr.

John P. Haughey for the Department of Agriculture. They are to be followed by the president and secretary-treasurer of the National Association of ASCS County Office Employees, Mr. Woodrow Jones and Mr. Clyde Payne.

Next we will hear from the American Federation of Government Employees, J. F. Griner, accompanied by Mr. Walters and Carl Sadler.

Mr. Stahl, Director of the Bureau of Standards will represent the Civil Service Commission this morning, since Mr. Macy cannot be present.

Mr. Fitzgerald, it is a pleasure to welcome you and you may proceed with your statement.

STATEMENT OF RAY FITZGERALD, DEPUTY ADMINISTRATOR OF STATE AND COUNTY OPERATIONS; ACCOMPANIED BY JOHN P. HAUGHEY, DIRECTOR, PERSONNEL MANAGEMENT DIVISION, AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE, U.S. DEPARTMENT OF AGRICULTURE

MR. FITZGERALD. Thank you, Mr. Chairman. On my left is Mr. John P. Haughey, Director, Personnel Management Division, for the Department of Agriculture.

MR. HENDERSON. Mr. Fitzgerald, I think the record should include the official reports and any other documents the staff feels should be inserted in the record at this point, and without objection, it is so ordered.

(The text of H.R. 6299 and S. 1028 along with the Civil Service Commission's reports are as follows:)

[H.R. 6299, 90th Cong., first sess.]

A BILL To extend certain pay, leave, and retention preference benefits under title 5, United States Code, to employees of the agricultural county committees, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5334 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) An individual employed by a county committee established under section 590h(b) of title 16 may, upon appointment to a position under this subchapter and chapter 51 of this title, have his initial rate of basic pay fixed—

"(1) at the minimum rate of the appropriate grade; or

"(2) at a step of the appropriate grade which does not exceed the highest previous rate of pay received by him during service with the county committee."

SEC. 2. Section 6308 of title 5, United States Code, is amended by inserting immediately after "The annual and sick leave to the credit of an employee who transfers between positions under different leave systems without a break in service" the following: "(including the annual and sick leave to the credit of an individual employed by a county committee established under section 590h(b) of title 16 who transfers without a break in service to a position to which this subchapter applies)".

SEC. 3. Section 3502(a) of title 5, United States Code, is amended by adding at the end thereof the following sentence: "In addition, in computing length of service, a competing employee is entitled to credit for service performed before July 10, 1960, as an employee of a county committee established under section 590h(b) of title 16 or of a committee or an association of producers described by section 610(b) of title 7."

[S. 1028, 90th Cong., first sess.]

AN ACT To amend title 5, United States Code, to extend certain benefits to former employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5534 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) An employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) may upon appointment to a position under the Department of Agriculture, subject to this subchapter, have his initial rate of basic pay fixed at the minimum rate of the appropriate grade, or at any step of such grade that does not exceed the highest previous rate of basic pay received by him during service with such county committee."

SEC. 2. (a) Subchapter I of chapter 63 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"SEC. 6312. Service rendered as an employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590(b)), or of a committee or an association of producers described in section 10(b) of the Agricultural Adjustment Act of May 12, 1933 (48 Stat. 37), shall be included in determining years of service for the purpose of section 6303(a) of this title in the case of any officer or employee in or under the Department of Agriculture. The provisions of section 6308 of this title for transfer of annual and sick leave between leave systems shall apply to the leave system established for such employees."

(b) The analysis of chapter 63 of title 5, United States Code, is amended by adding the following new item immediately after item 6311:

"6312. Accrual and accumulation for former ASCS county office employees."

SEC. 3. The second sentence of section 3502(a) is amended —

(1) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof a semicolon and the word "and"; and

(2) by adding after subparagraph (B) the following new subparagraph:

"(C) who is an employee in or under the Department of Agriculture is entitled to credit for service rendered as an employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)), or of a committee or an association of producers described in section 10(b) of the Agricultural Adjustment Act of May 12, 1933 (48 Stat. 37)."

Passed the Senate June 28, 1967.

Attest:

FRANCIS R. VALEO,
Secretary.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., August 15, 1967.

HON. THADDEUS J. DULSKI,
Chairman, Committee on Post Office and Civil Service, House of Representatives,
Cannon House Office Building

DEAR MR. CHAIRMAN: This is in reply to your request for the views of the Civil Service Commission on H.R. 6299, a bill "To extend certain pay, leave, and retention preference benefits under title 5, United States Code, to employees of the agricultural county committees, and for other purposes."

This legislation would extend Federal Service credit for non-Federal service performed with Agricultural Stabilization and Conservation Service county committees. Section 1 would permit the Federal salary of a former county office employee to be set at a higher than the minimum entry rate of the grade. Section 2 would authorize the transfer of accumulated annual and sick leave earned in county office employment to the accounts of those who move to Federal positions. Section 3 would authorize the crediting of county office service performed prior to July 10, 1960, for employment retention purposes. All of these benefits and privileges would be made available to any county office employee moving to any Federal position in any Federal agency.

H.R. 6299 is the latest in a long history of proposals to extend the benefits and privileges of Federal employment to ASC county office personnel. It is similar to bills introduced in the last two Congresses. The Civil Service Commission has

considered all of the previous bills undesirable, and takes the same view with respect to H.R. 6299.

This legislation would accord preferential treatment not available to any other groups. Its enactment would open the way for other non-Federal personnel employed in federally sponsored or federally assisted programs to claim similar special advantages. Ultimately this could result in the establishment of a broad precedent that any work financed in whole or in part by the Federal Government, or carried on in close cooperation with it, provides an adequate basis to grant those who do the work any and all the benefits of Federal employment. It is noted there are already close to 200 Federal grant-in-aid programs, along with a variety of other Federal-State cooperative programs. The number of non-Federal personnel employed in these programs is in the hundreds of thousands.

In raising this issue there is no intention to advocate a closed, rigid structure of personnel policies and benefits. The Civil Service Commission is very much interested in, and is working toward, facilitating mobility of personnel between the Federal Government and other levels of government, and other organizations. However, in facilitating these arrangements, the Commission is concerned to maintain clear-cut distinctions between the systems involved, to establish relations with other systems on a reciprocal basis, and to keep benefits consonant with the rights and obligations of employment.

Aside from these considerations, the Commission has long been troubled by the unclear status of ASC county office personnel. Ostensibly, they are non-Federal employees of farmer-elected, farmer-composed committees of private citizens. Yet over the years a combination of legislation and regulation has made it extremely difficult to determine what their status really is. They are treated as if they were Federal employees for most of the benefits of Federal employment, but not for the rights, protections, and obligations of the veteran preference laws, the laws restricting political activity, and others. They serve under an employment system drawn up and controlled by the Department of Agriculture which provides for review of individual personnel actions at the Federal level. Yet they remain outside of the Federal Service in order to preserve a semblance of local control by farmer committees. Because they are not actually Federal employees, they receive no credit for their county office service in Federal employment and this acts as a deterrent to their recruitment for positions in the Department of Agriculture.

The enactment of this legislation would probably ease whatever recruiting problem may exist, but at the same time it would further complicate the unclear relationship between these personnel and the Federal Government and have other undesirable consequences previously cited.

There is another approach which the Commission has felt would provide a better way of accomplishing the objectives of this legislation. It would be to enact legislation making county office employees full-fledged Federal employees of the Department of Agriculture, subject not only to the benefits of Federal employment but to all the obligations and protections as well. Such legislation would end the "in between" status of county office personnel and place them directly in the mainstream of career progression in the Department of Agriculture. This same approach has been recommended for another group of non-Federal personnel whose status is somewhat comparable—National Guard technicians—and a number of bills have been introduced in this Congress to effect this.

Under the approach contemplated by the Civil Service Commission, county office incumbents holding regular appointments would be automatically brought into the competitive civil service as career-conditional or career employees depending on length of service without having to take an examination. However, future appointments to county office positions would be made under competitive civil service procedures.

It has been suggested that this approach would alter the concept of local control over farm programs by county committees. Actually, under this approach local policy and decision-making authority over farm programs would still be left in the hands of the committees. All they would lose would be the limited authority they now have over the employment and retention of county office personnel.

The Commission, of course, recognizes that there are other viewpoints and other considerations. Many of the benefits of Federal employment have already been bestowed on these employees by act of Congress over a Presidential veto. When viewed in this light, it can be seen how this bill can be considered an extension of previously established policy with respect to these employees. The fact that legislation similar to this bill has been introduced time and again is evidence

of a deep and continuing interest in seeing that the benefits proposed are granted without changing the status of the employees.

If the Congress decides to give favorable consideration to this bill, the Commission would strongly urge that a statement be included in the record to the effect that this legislation is not intended to serve as a precedent for granting Federal Service credit for non-Federal service with other groups. The Commission would also urge, if this legislation is enacted, that at some future time the Congress give further consideration to making these employees fully Federal.

In addition the Commission requests that certain changes be made in this bill to bring it closer into line with its apparent objective and to limit the possibility of other employees being adversely affected by its retention credit feature in reduction-in-force situations.

The apparent objective of this legislation is to enable the Department of Agriculture to recruit county office employees for ASCS positions at the State and National levels. However, the benefits proposed under H.R. 6299 would be granted without regard to the agency or position to which a former ASC county office employee moved. In reduction-in-force situations this would mean that a former county office employee who, for example, occupied a position in the Department of the Interior or the Federal Power Commission or the Department of Health, Education, and Welfare or some other agency could use his county office service to displace a Federal employee with longer overall Federal Service.

It is therefore suggested that H.R. 6299 be amended to limit its applicability to county office employees who accept positions in the Department of Agriculture. This can be accomplished by making the following changes:

On page 1, line 7, insert "in the Department of Agriculture" between "position" and "under".

On page 2, the parenthetical clause starting on line 8 should be revised to read: "(including the annual and sick leave to the credit of an individual employed by a county committee established under 590h(b) of title 16 who is appointed without a break in service to a position in the Department of Agriculture to which this subchapter applies)".

On page 2, the last line of section 3 should be revised to read: "610(b) of title 7 as long as the employee holds a position in the Department of Agriculture."

The Bureau of the Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

By direction of the Commission:

Sincerely yours,

JOHN W. MACY, Jr.,
Chairman.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., May 3, 1967.

Hon. A. S. MIKE MONRONEY,
Chairman, Committee on Post Office and Civil Service,
U.S. Senate, New Senate Office Building.

DEAR MR. CHAIRMAN: This is in further reply to your request for the views of the Civil Service Commission on S. 124 and S. 1028, bills to extend certain benefits to employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act.

These bills would extend Federal Service credit, in varying degrees, for non-Federal service performed with Agricultural Stabilization and Conservation Service county committees. S. 124 would authorize the crediting of unused annual and sick leave earned in county office employment to the accounts of county office personnel who move to Federal ASCS positions at the State level, and would credit county office service for leave accrual purposes. S. 1028 would grant salary, leave, and retention credit for past county office service. Under S. 1028, leave and retention credit would be available only as long as the former county office personnel remained in positions under the Department of Agriculture.

These bills are the latest in a long history of proposals to extend the benefits and privileges of Federal employment to ASC county office personnel. S. 124 and S. 1028 are identical to bills introduced in the last Congress and similar to bills introduced in the 88th Congress. The Civil Service Commission has considered the previous legislation undesirable and takes the same view with respect to the current bills.

This legislation would accord preferential treatment not available to any other groups. Its enactment would open the way for other non-Federal personnel em-

ployed in federally sponsored or federally assisted programs to claim similar special advantages. Ultimately this could result in the establishment of a broad precedent that any work financed in whole or in part by the Federal Government, or carried on in close cooperation with it, provides an adequate basis to grant those who do the work any and all the benefits of Federal employment. It is noted there are already close to 200 Federal grant-in-aid programs, along with a variety of other Federal-State cooperative programs. The number of non-Federal personnel employed in these programs is in the hundreds of thousands.

In raising this issue there is no intention to advocate a closed, rigid structure of personnel policies and benefits. The Civil Service Commission is very much interested in, and is working toward, facilitating mobility of personnel between the Federal Government and other levels of government, and other organizations. However, in facilitating these arrangements, the Commission is concerned to maintain clear-cut distinctions between the systems involved, to establish relations with other systems on a reciprocal basis, and to keep benefits consonant with the rights and obligations of employment.

Aside from these considerations, the Commission has long been troubled by the unclear status of ASC county office personnel. Ostensibly, they are non-Federal employees of farmer-elected, farmer-composed committees of private citizens. Yet over the years a combination of legislation and regulation has made it extremely difficult to determine what their status really is. They are treated as if they were Federal employees for most of the benefits of Federal employment, but not for the rights, protections, and obligations of the veteran preference laws, the laws restricting political activity, and others. They serve under an employment system drawn up and controlled by the Department of Agriculture which provides for review of individual personnel actions at the Federal level. Yet they remain outside of the Federal Service in order to preserve a semblance of local control by farmer committees. Because they are not actually Federal employees, they receive no credit for their county office service in Federal employment and this acts as a deterrent to their recruitment for positions in the Department of Agriculture.

The enactment of this legislation would probably ease whatever recruiting problem may exist, but at the same time it would further complicate the unclear relationship between these personnel and the Federal Government and have other undesirable consequences previously cited.

There is another approach which the Commission has felt would provide a better way of accomplishing the objectives of this legislation. It would be to enact legislation making county office employees full-fledged Federal employees of the Department of Agriculture, subject not only to the benefits of Federal employment but to all the obligations and protections as well. Such legislation would end the "in between" status of county office personnel and place them directly in the mainstream of career progression in the Department of Agriculture. This same approach has been recommended for another group of non-Federal personnel whose status is somewhat comparable—National Guard technicians—and a number of bills have been introduced in this Congress to effect this.

It has been suggested that this approach would alter the concept of local control over farm programs by county committees. Actually, under this approach local policy and decision making authority over farm programs would still be left in the hands of the committees. All they would lose would be the limited authority they now have over the employment and retention of county office personnel.

The Commission, of course, recognizes that there are other viewpoints and other considerations. Many of the benefits of Federal employment have already been bestowed on these employees by act of Congress over a Presidential veto. When viewed in this light, it is clear how these bills can be considered extensions of previously established policy with respect to these employees. The fact that legislation similar to these bills has been introduced time and again is evidence of a deep and continuing interest in seeing that the benefits proposed are granted without changing the status of the employees.

If the Congress does decide to give favorable consideration to either of these bills, the Commission would strongly urge that a statement be included in the record to the effect that this legislation is not intended to serve as a precedent for granting Federal service credit for non-Federal service with other groups. The Commission also wishes to emphasize that if this legislation is enacted, the Commission would continue to work toward the objective of making these employees Federal, subject not only to the benefits of Federal employment but to the rights and obligations as well.

If these bills are given further consideration they should be drafted as amendments to title 5, United States Code, which has been codified into positive law.

The Bureau of the Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

By direction of the Commission:

Sincerely yours,

(Signed) JOHN W. MACY, Jr.,
Chairman.

Mr. FITZGERALD. Mr. Chairman and members of the subcommittee, I appreciate the opportunity to appear in connection with your consideration of H.R. 6299 and S. 1028.

The primary objective of these bills is to eliminate the severe hardship and inequity which ASC county committee employees now suffer if they accept civil service employment in the Department of Agriculture. Your committee in the 89th Congress favorably reported to the House legislation, H.R. 2452, which would have accomplished this purpose.

The Department of Agriculture strongly supports S. 1028 and recommends the committee immediately approve it as passed by the Senate.

S. 1028 would:

1. Permit the Department to appoint ASC county committee employees to civil service positions at a salary step which does not exceed their prior county salary rate.

2. Transfer the county committee employee's annual and sick leave when he moves to a civil service position in the Department of Agriculture.

3. Credit his county committee employee service for leave-earning and reduction-in-force purposes.

During the course of hearings in the 89th Congress, a proposal to place ASC county committee employees under civil service was made. We have given thorough consideration to the effects which would result from such a change. It is our strong belief that moving these employees into the civil service system cannot be accomplished without doing violence to the farmer committee system of local administration which has been so successful over the years.

I can personally assure you of the dedicated service rendered by ASC county committee employees. They are a group which I am proud to be associated with in serving the American farmer. It has been our policy to see that they are accorded benefits comparable to employees under civil service. We believe that they have earned, through outstanding service, the rights to pay and other fringe benefits on an equal basis with civil service employees.

Many experienced county committee employees are and will, in the future, be needed to fill more responsible positions within ASCS and the Department. A few county committee employees have accepted assignments in civil service positions. They were required to take salary cuts and they lost their accumulated sick leave. Salary cuts can amount to over \$2,000 for an employee moving to a comparable level position. Such a cut in salary would occur, for example, if a county office manager at step 10 of CO-9 is appointed to a comparable level civil service position which is GS-9. A county employee advancing to a higher level position may be required to take a salary cut of over \$800. A county employee with 10 to 15 years of service probably has over 1,000 hours

of sick leave. The loss of this leave is a serious loss of financial protection against future illness.

ASC county committee employees are a primary source of qualified candidates to fill key positions in ASCS State offices. This source of talented personnel with years of invaluable experience in the Department's programs at the grassroots level also provides the source for filling many other positions within the Department. Without this legislation, we will be deprived of the services of persons seriously needed.

Thank you, Mr. Chairman.

Mr. HENDERSON. Thank you for your very pointed and effective statement, Mr. Fitzgerald. I am sure that most of the committee members, those who are most interested in this legislation, are cognizant and well aware of the two points that you make, the first one being that to bring the county employees into the civil service system would do violence to the farmer committee system, the local administration which has been so successful over the years.

Rather than to ask you or Mr. Haughey to expand on that for the record at this point, may I suggest that you transmit in writing to me for inclusion in the record and perhaps into the report for the benefit of the other House Members a more detailed position. I think this could also be helpful if you could spell out the second point that these ASC committee employees are a primary source of qualified candidates to fill the key positions in the State offices.

I certainly am in full agreement on that point. I know we all understand the point that you make, but I think if you could spell out and expand those two points which you make in your statement by way of letter, that it could be made available to the full membership of the House and it would be most helpful as we might consider the legislation on the floor.

(The material requested is as follows:)

REASONS FOR OPPOSING CIVIL SERVICE STATUS FOR ASC COUNTY COMMITTEE EMPLOYEES

The ASCS system of program administration was established by Congress over thirty years ago. It is a unique system in that local farmers themselves directly participate in local program administration. Their elected representatives, the county committee, is charged with adapting national farm programs to the specific needs of their locality. The county committee selects the county office manager, who serves at their pleasure. The other employees are selected by and serve at the pleasure of the county office manager.

The success of ASCS programs depends upon informing farmers, encouraging them to participate in the programs and obtaining their compliances with program requirements. The nature of the programs makes these goals difficult to achieve. The fact that we have been successful in the past is due in large measure to the efforts of our county committeemen. These committeemen are elected to their offices by the local farmers. Farmers have confidence in the ability and integrity of the committeemen they elect to office. These committeemen in turn are able to provide effective program leadership which assures maximum farmer acceptance and effective administration.

We believe that placing county committee employees under the Civil Service system would destroy the local control necessary for effective county committee operations. Much of the strength and vigor of the farmer committee system is attributed to the fact that it has great freedom in selecting and hiring its employees and expanding its force to meet seasonal needs. We believe the creation of a straight-line organization from Washington through the counties would preclude the flexibility required for effective operations. It would also hinder farmer acceptances and compliances with programs.

Since the inception of the committee system of operation, both the Congress and the Secretary have assigned many programs to ASC county committees. A large number of these programs are subject to change from year to year. In prior years there have been many instances in which it has been necessary to implement new or significantly changed programs in a matter of days. Some of the programs are or have been designed to provide emergency assistance in drought or other emergency situations. In great measure the success which has been enjoyed in adjusting quickly to meeting emergency or changing program requirements is due to the flexibility inherent in the committee system of operation.

ASC county committee employees are covered by the Civil Service Retirement Act, Federal Employees Health Benefits Act and the Federal Employees Life Insurance Act. Congress in 1965 provided these employees with the rights to receive severance pay. The Department, by administrative action, has provided them with leave benefits comparable to those received by Federal employees. County committee employees, therefore, have little gain in terms of fringe benefits by obtaining Civil Service status.

COUNTY COMMITTEE EMPLOYEES—A PRIME RECRUITING SOURCE FOR ASCS—USDA

A large majority of ASCS key career program positions in State offices and at the national level are filled with employees who began their careers as county committee employees. This past practice of advancing proved to be invaluable to the overall success of the Agency. All large organizations recognize benefits derived from providing for the career advancement of employees from the lowest echelons to higher levels. The benefits of such advancement in ASCS are unique because of the unusual nature of our organization and the types of programs administered.

ASC county committee employees are in direct contact with the farmer. They explain our programs to the farmer and administer the many legal and regulatory program requirements. The county office manager who manages the program operations in the county must, by training and experience, master all programs. His experience as a program manager provides him not only with technical knowledge, but with an insight into effects of programs on the individual farmer. By experience, he acquires the knowledge necessary to anticipate farmer reaction to program requirements and provisions.

At higher levels in ASCS, direct contact with the farmer in program administration is generally not available. Key program officials who design, develop, and administer programs at the State or national level must understand and anticipate possible problems of local administration and farmer acceptance and compliance. He must develop program policies and procedural requirements that are reasonable and which, in administration, are effective in achieving program goals. Much of the knowledge required cannot be gained by training. It is gained by actual work experience in a county office.

ASCS from the early 1930's until recent years had little problem recruiting county employees for higher level responsibilities. During this period, the pay and other fringe benefits enjoyed by Civil Service employees were much greater than those received by county employees. In recent years, this situation has changed. County employee salary rates have been increased to levels equal with those received by Civil Service employees occupying positions with duties and responsibilities at comparable levels. In 1960 many fringe benefits received by Civil Service employees were extended by Congress to ASC county committee employees. Today, offers of advancement to higher level positions, in many cases, do not offer advantages to the county employees. In fact, the current requirements call upon the county employee to suffer sacrifices in accepting such advancements.

The problem facing ASCS is acute. A majority of our key career program positions are filled with employees who were hired in the 1930's when ASCS programs were first initiated. Many of these key employees will be retiring in the near future. The need for drawing upon the pool of trained manpower at the county level must not be denied the Agency. Future effectiveness of farm programs depends upon the success of ASCS in obtaining qualified and trained replacements for the many vacancies which will occur in key positions at the State and national levels.

Mr. HENDERSON. Mr. Fitzgerald, how many Agricultural Stabilization and Conservation Service county committee employees are there, and do you have it broken down by States, and is it available for inclusion in the record?

Mr. FITZGERALD. Mr. Chairman, it could be made available. We have about 15,000 regular ASCS county office employees. We don't have it broken down by State. This could be done.

Mr. HENDERSON. If you would submit that for the record, I think it would assist us in our understanding of this.

(The material requested is as follows:)

NUMBER OF PERMANENT EMPLOYEES IN ASCS STATE AND COUNTY OFFICES

State	State employees	County employees
1. Alabama.....	39	456
2. Alaska.....	4	4
3. Arizona.....	15	51
4. Arkansas.....	43	369
5. California.....	35	205
6. Colorado.....	26	192
7. Connecticut.....	4	17
8. Delaware.....	4	14
9. Florida.....	28	155
10. Georgia.....	77	655
11. Hawaii.....	10	5
12. Idaho.....	27	144
13. Illinois.....	52	615
14. Indiana.....	49	455
15. Iowa.....	54	736
16. Kansas.....	54	637
17. Kentucky.....	46	432
18. Louisiana.....	40	292
19. Maine.....	9	36
20. Maryland.....	15	74
21. Massachusetts.....	5	21
22. Michigan.....	40	343
23. Minnesota.....	43	533
24. Mississippi.....	41	439
25. Missouri.....	46	644
26. Montana.....	32	181
27. Nebraska.....	50	563
28. Nevada.....	8	19
29. New Hampshire.....	5	18
30. New Jersey.....	9	33
31. New Mexico.....	21	106
32. New York.....	29	199
33. North Carolina.....	59	688
34. North Dakota.....	40	400
35. Ohio.....	50	438
36. Oklahoma.....	39	459
37. Oregon.....	22	120
38. Pennsylvania.....	27	216
39. Rhode Island.....	5	6
40. South Carolina.....	46	340
41. South Dakota.....	40	380
42. Tennessee.....	58	547
43. Texas.....	114	1,378
44. Utah.....	17	73
45. Vermont.....	8	24
46. Virginia.....	45	302
47. Washington.....	25	132
48. West Virginia.....	17	95
49. Wisconsin.....	32	308
50. Wyoming.....	20	73
Total.....	1,624	14,622

Mr. HENDERSON. Could you tell me how many Federal employees, that is the classified employees, that we have at the various State levels? Do you have a total over the Nation and a breakdown of those by States?

Mr. FITZGERALD. We can get it. It is around 1,500 to 1,700 Federal employees in State ASC offices and we can give you the list.

Mr. HENDERSON. So, relating the point you make that the county employees are your best source of recruiting, you have approximately 10 to 1?

Mr. FITZGERALD. Yes, sir.

Mr. HENDERSON. What kind of work do the county employees perform?

Mr. FITZGERALD. They perform all of the functions which are delegated to the county ASC committees by the Congress and the Secretary, which means they serve the farmer on a day-to-day basis helping him to make an application for each and every program which we administer in the various States. This would range from taking an application for an ACP cost-sharing payment, approval of the practice by the county committee, and the submission of the practice perhaps to the Soil Conservation Service for technical service and paying of the cost share by the Government to the farmer or to the vendor. All of the way from that to issuing to the farmer his allotment, telling him how he might participate in the program and what benefits will accrue to him if he does participate—signing him up and seeing to it that his farm is in compliance during the season, and transmitting to him his loan receipts, diversion payments and certificates.

Mr. HENDERSON. The county employees are supervised by a county manager, and he also would be included in the provisions of this bill. He is not a Federal employee?

Mr. FITZGERALD. No, sir. He is an employee of the county ASC committee.

Mr. HENDERSON. The next step of supervision above the county manager and county employees is what level?

Mr. FITZGERALD. Well the county committee is an elected county committee for policy purposes. A farmer-elected committee.

Mr. HENDERSON. In carrying out the Department's policies, they are supervised—

Mr. FITZGERALD. By a farmer fieldman.

Mr. HENDERSON. And he is a regular civil service employee?

Mr. FITZGERALD. He is not. He is a schedule A. And he is appointed by the State ASC committee, which in turn is appointed by the Secretary of Agriculture.

Mr. HENDERSON. And your lowest level of the classified system is at the State level?

Mr. FITZGERALD. Yes, sir.

Mr. HENDERSON. How would you say that a county employee of the ASCS differs from a State employee in that service?

Mr. FITZGERALD. The work they do is different in that the county employee directly serves the farmer, where the State employee is a technician, a man who interprets the forms and the procedures in such a way that the county people can readily use them in serving the farmer on a day-to-day basis.

Mr. HENDERSON. And they are appointed in different ways. Obviously if they are not Federal employees at the county level they are Federal employees at the State level.

Mr. FITZGERALD. That is true. Most of the employees in the State offices by far are civil service employees.

Mr. HENDERSON. What kind of annual or sick leave benefits do the agricultural county committees' personnel now have.

Mr. FITZGERALD. They are almost identical with the civil service, sir.

Mr. HENDERSON. I believe that is all of the questions I have at the moment.

Mr. Wilson?

Mr. WILSON. Thank you, Mr. Chairman.

Mr. Fitzgerald, is there any difference in the treatment of the county employees by State or is there a uniform system in California, North Carolina, and the different States?

Mr. FITZGERALD. So far as I know, they are treated the same.

Mr. WILSON. Insofar as the two bills are concerned—H.R. 6299 and S. 1028—do you have any preference between the two bills? Do you find one more acceptable than the other?

Mr. FITZGERALD. We prefer S. 1028 for some technical reasons.

Mr. WILSON. Technical reasons?

Mr. FITZGERALD. Yes, sir.

Mr. WILSON. You feel it is a better written bill and it takes care of problems more effectively?

Mr. FITZGERALD. A little more effectively; yes, sir, though they both have the same philosophy and intent, I believe.

Mr. WILSON. Thank you.

Mr. HENDERSON. Mr. Hamilton?

Mr. HAMILTON. Thank you, Mr. Chairman.

Mr. Fitzgerald, you commented there were about 15,000 county employees and perhaps 1,500 to 1,700 State employees.

Mr. FITZGERALD. Yes, sir.

Mr. HAMILTON. How many employees would transfer from the county level to the State and become Federal employees in the course of a year?

Mr. FITZGERALD. We believe about 50. We think, Mr. Congressman, that this bill would give us a pool of talent of about 500 people per year to draw from.

Mr. HAMILTON. One thing I noted in S. 1028 is that if the county employees would accept civil service positions, they must do so at a salary step that does not exceed his prior county rating.

Mr. FITZGERALD. Yes, sir.

Mr. HAMILTON. Suppose you have a very good man at the county level and you want to attract him into the Federal service. Isn't this a kind of an arbitrary provision to write into a piece of legislation? You couldn't attract this man with a higher salary then, could you?

Mr. FITZGERALD. Could I ask Mr. Haughey to answer the question?

Mr. HAUGHEY. Mr. Hamilton, the provision of the Senate bill to which you referred makes direct reference primarily to lateral transfers. This would impose the limitation that he could not come in at a rate exceeding his salary in the county office. There would be, however, the regular recognition for high-quality employees who come in at grade promotions and then, of course, the limitation would not apply.

Mr. HAMILTON. Do I understand then, if you have such a good man it is possible to get him into the Federal service at a better rate of pay than he is earning as a county employee?

Mr. HAUGHEY. That is correct, sir.

Mr. FITZGERALD. I think the problem is if today a CO-9 county office employee were to transfer laterally into a GS-9 in the Federal service he would have to drop back to the beginning of the grade GS-9. He might be CO-9, step 8, in the county service and he would have to drop back to GS-9, step 1, thereby losing several hundred dollars.

Mr. HAMILTON. As a point of clarification, on the salary cut you speak of on page 2, you mention an example where one takes a \$2,000 cut and an \$800 cut. That is a per annum cut as I understand it?

Mr. FITZGERALD. Yes, sir.

Mr. HAMILTON. I also understand the Bureau of the Budget is opposed to this procedure and they would prefer to federalize the employees at the county level. Is that right?

Mr. FITZGERALD. I really don't know their position, Mr. Hamilton. They authorized us to submit the report which we have submitted in support of the legislation.

Mr. HAMILTON. When you state on page 2 of your statement that moving these employees in the civil service system cannot be accomplished without doing violence to the farmer committee system of local administration, can you elaborate on that a little bit for me?

Mr. FITZGERALD. Yes, sir. Since the inception, almost, of the Federal farm programs the Congress has seen fit to endow certain privileges and authorities on a county committee which must be an elected county committee, elected by the fellow farmers in the county. These committeemen have the right to perform certain functions in regard to policy, make policy decisions. One of those functions is to employ an office manager, the top man in the county office. The county office manager then employs the clerks, the employees in the office. Specifically, it seems to us that to deprive the county committee, elected by the fellow farmers in the community, of the authority to hire the office manager, whom they deem to be best, within the guidelines we have set at the national level, the minimum qualifications, we think this would do violence to the county committee system in itself.

Mr. HAMILTON. It would take out the democratic procedures that now exist in the selection of the office manager.

Mr. FITZGERALD. And derogate their authority; yes, sir.

Mr. HAMILTON. I think that is all, Mr. Chairman. Thank you.

Mr. HENDERSON. Mr. Fitzgerald, thank you very much.

Mr. HENDERSON. Our next witness is Mr. Woodrow Jones, president of the National Association of ASCS County Office employees, and he is accompanied by Mr. Clyde R. Payne, secretary-treasurer of NASCOE. We are delighted to welcome both of you to the committee.

Mr. JONES. I have personal knowledge that Mr. Roberts, the president of your North Carolina organization, is in attendance this morning and if there are other National or State officials you would like to recognize and have recorded in the record, we would be glad for you to do that at this time.

STATEMENT OF H. WOODROW JONES, PRESIDENT, NATIONAL ASSOCIATION OF ASCS COUNTY OFFICE EMPLOYEES, ACCOMPANIED BY RAYMOND VANDERHORST, VICE PRESIDENT, NASCOE

Mr. JONES. Thank you, Mr. Chairman, there are. First I would like to correct the record. Mr. Payne is unable to be here due to serious illness in his family and we have filed his statement with your counsel.

Mr. HENDERSON. Without objection, his statement will follow yours, sir.

Mr. JONES. We also have Mr. Ernest Inman with us from your fine State, Mr. Larry Smith from Arizona, Mr. Dillard Lasseter, our counsel in Washington, and I have on my left Mr. Raymond Vanderhorst, the vice president of our organization, from Iowa.

Mr. HENDERSON. Mr. Lasseter is known to the members of the committee for his long years of service. We are delighted to welcome the gentleman from Arizona whose Congressman introduced one of the bills we are considering this morning. Mr. Udall called me yesterday to explain his inability to attend and testify in support of the legislation but has presented a prepared statement. And I would suggest to counsel that Congressman Udall's statement immediately follow that of Mr. Payne.

You may proceed, sir.

Mr. JONES. Thank you, Mr. Chairman.

My name is Woodrow Jones. I am employed as office manager of the Bowie County Agricultural Stabilization and Conservation Service office in New Boston, Tex. Today, however, I am on annual leave to petition your help in another capacity.

I serve as president of the National Association of ASC County Office Employees. We have members in each of the 50 States. Over 96 percent of all employees belong to and support the efforts of our association. I am pleased to be here once again to speak on behalf of all the people working in the county ASCS offices of this country. During the past 8 years, we have come to your committee some nine or 10 times. Each time you have been nice enough to hear us, consider the merits of our case, and to grant our request.

You have provided for our participation in retirement, life insurance, health insurance, and severance pay benefits just like all other Government employees. Also, you have helped us by including language in all pay bills since 1960 making their provisions applicable to our people. And, in the 89th Congress this committee approved a bill embodying the same provisions as the one you are considering at this time. We want to express our thanks for this consideration and the opportunity to appear at this time.

We are hopeful you can help us, again.

Since our status is somewhat different from others in Government we always feel it necessary, when appearing here, to explain some of the conditions of our employment.

We work for the agency of the U.S. Department of Agriculture that reaches into every farming community in the Nation administering programs the Congress makes available to our farmers. All activities of the Agricultural Stabilization and Conservation Service are a part of a Federal function provided by you and directed by the Secretary of Agriculture. The administrative structure of our agency is made up of national, commodity, area, State, and county offices. Employees in national, commodity, area, and State offices are a part of the Federal career service. We in the county offices of the agency are not. Other than the fact we work at the county level applying law and regulation to the individual farms there is no distinction between our status and theirs. We are the ones who deal face to face with the people on the land—the people you wish to provide for in the first place—the only excuse for the existence of the agency.

We have no connection with any State, county, or local governing body. We are referred to as county office employees because the area of our responsibility is limited to the county where the office is located. All our actions are controlled and directed as a result of Federal mandate but we are not covered by civil service statute. I suppose this fact has been responsible for it being said we are not Federal employees.

Although we are told we are non-Federal or nongovernment, our every act—on and off the job—is covered by Federal statute or directive. We work only on Federal programs. We are paid with Federal funds. We are supervised by Federal appointees. The Secretary of Agriculture—through employees subordinate to him—issues regulations setting conditions of our employment. He delegates authority to those who issue instructions implementing his regulations. Under this authority there has been issued a series of handbooks—commonly referred to in the agency as the CA series—dealing with administrative matters.

In addition to implementing regulations, these handbooks are manuals of instruction for county office employees. They cover every administrative aspect of county office operation. This includes employment and removal of county office personnel, budgeting of funds, record handling, administrative services, and so forth. They set standards for classification of all positions in the county office, establish rates of pay, spell out procedure for filling vacancies and minimum qualifications for county office managers and subordinate positions. In addition, standards for conduct off-the-job are set.

Mr. HENDERSON. Could I ask you to speak a little more detailed on that? I am not familiar with what those standards might be.

Mr. JONES. Well, in times past it has been brought to the attention of the committee that we are not subject to the Hatch Act provisions, but those provisions have been embodied in the Secretary's regulation that does about the same thing as I understand it as the Hatch Act does to classified people.

Mr. HENDERSON. I was going to ask you specifically if you were covered by the Hatch Act, but of course your answer is responsive to that. Thank you very much.

Mr. JONES. As far as Federal direction is concerned, no agency supervises its personnel more adequately than ASCS. We receive instruction from the State offices daily. District fieldmen working under supervision of the State office visit each county office from 15 to 25 times each year. He supervises to the extent necessary to see that all directives are being observed. A representative of the performance section of the State office visits each office several times a year to direct fieldwork. Operation assistants from the State office may visit the county for periodic review of all operations. In addition, an auditor from the Office of the Inspector General—outside ASCS but within USDA—usually spends about 3 weeks each year in each county office checking all records and all programs. All these people serve under Federal appointment.

There are other facts to establish we are as "federal" as any part of Government but I will not enumerate. You are acquainted with our offices in your areas. I believe you can make a proper deduction without me taking up your time.

The legislation being considered would extend to a group of loyal Government workers equal treatment to that enjoyed by other Government employees. It would give those in our offices—who through initiative and training become eligible for promotion to another level of the agency—an opportunity to accept without facing the penalties they now have to submit to.

In business and in all other Government work most management people began their service in and advanced from the lower levels. In

ASCS—under present work rules—this advance cannot be made without serious loss of benefits earned over the years.

To move from county office employment to State, area, commodity or Washington office employment, improper sacrifices are necessary. All accrued sick leave is forfeited. Any accumulated annual leave must be liquidated by lump-sum payment. Any past service does not count for annual leave or retention purposes. Even though the individual may be one having 33 years of exemplary service and might even have received USDA's Superior Service Award, he must begin in the same category as one who might be hired "from the street."

The situation concerning salaries is just as ridiculous. Salary rates for corresponding grades and steps are now the same for county office employment as is the case in other levels. As Mr. Fitzgerald pointed out, when we transfer many times it is necessary we take a reduction. His explanation of that, I think, covered it better than I could here.

Other Government employees in our sister agencies do not face such deterrents. When a clerk in a smalltown post office transfers to another level, or an employee at the arsenal in my county transfers to the Pentagon, no loss results. And, even when one of those employees transfers from employment in other branches of the Government to ASCS they do so without being penalized. This is the case even though the employee transfers from the county level of another USDA agency. The same is true in case of a transfer from Washington, State, or commodity office to a county office.

I want to also call your attention to other reasons for your favorable consideration. County ASCS employees need this legislation. The Department of Agriculture estimates that some 50 to 400 county office employees would be appointed to positions in the Department each year if this bill becomes law. Of course it would benefit these people materially but it would also assure those of us who are not accepted of having people directing our efforts who have been promoted through the ranks. They would be people who are acquainted with and appreciate the problems encountered in the face-to-face dealing with our farmers at the local level.

The Department of Agriculture needs this legislation. Secretary Orville Freeman says the county offices can be a prime source of candidates to fill positions in our State and Washington offices. Our agency came into being in the early 1930's. Many of the key positions are presently occupied by employees nearing retirement age. The serious recruitment problem existing now will surely be intensified very shortly. Approval of this bill would help alleviate these circumstances. Employees trained at the county level of our agency would find it possible to accept promotions into these positions.

The American farmer needs this legislation to assure him that his farm programs will continue to be administered by those having experience at the grassroots level. Each person moving from a county ASCS office to a State office or one at the Washington level would carry ideas originating close to the basic problem. Farmers, by nature, are independent and tend to resist program provisions they feel are handed down by those not familiar with their problems. Enactment of this bill into law would assure them that people having firsthand knowledge of local problems are given an opportunity to advance into policymaking positions.

We believe enactment of this legislation would be in the public interest. We feel the taxpayer is entitled to an employee most likely to need the least amount of training. County office people work face to face with the farmer and his problems on a day-to-day basis. We believe people advancing from more recent contacts with the basic elements of agriculture can most likely be relied upon to do a better job at the program formulating and policymaking level of the agency than would someone who has not had this experience. The public deserves and should expect this kind of performance.

Finally—I want to point out enactment of the legislation will not give us preferential treatment. We ask only for the opportunity to advance in our vocation along with other Government employees. The legislation would not permit us to bypass any examination or other qualification requirement. We are interested—and know you are—in maintaining good administration. We would be the last group to ask for special treatment or relaxing of any requirements. Let me emphasize, we only hope to be treated exactly like other Government employees.

If you feel we ask amiss, I want to apologize for taking your time. However, we hope you are able to concur with us and give early approval to this important proposal.

Mr. HENDERSON. Thank you for that very fine statement.

Would your organization prefer the Senate-passed bill?

Mr. JONES. Yes, sir. We feel that it is more concisely worded than H.R. 6299 and also there is the limitation in H.R. 6299 that limits the credit of service to that performed prior to July 10, 1960. We feel this was an oversight in the printing of the bill, and we would like to see that removed, sir. However, it has been called to our attention that there is a typographical error in S. 1028, which Mr. Bray is acquainted with, and we think can be taken care of.

Mr. HENDERSON. Yes. The subcommittee will keep that in mind. Do you agree with the Department of Agriculture's position that as a practical matter the limitation of these benefits to county employees going into other positions in the Department is sufficient?

Mr. JONES. There has been discussion at times of whether or not we would like our service credited into any Government agency and of course in the beginning we favored that certainly, but due to the objection of some of the Government people, we were willing to accept transfer only into the Department, because we felt like that was where our people would be best qualified to serve.

Mr. HENDERSON. Congress has recognized, I think by its past action that this is a needed situation. The point that was made earlier by Mr. Fitzgerald, to blanket the county employees under the Civil Service would disrupt the historical way you have been appointed and have administered the various agricultural programs. And with the passage of this legislation, do you know of any other areas that would need attention by the Congress?

Mr. JONES. Well, sir, offhand I can think of nothing that should be any different, other than the fact, as was mentioned, the likelihood of blanketing us completely under Federal service. And, I have this to say about that: Our people have taken no position on it. But as their representative, I would like to make this statement—You in the Congress have always determined the conditions of our employment. To date you have seen fit to use the farmer committee system as we know

it today. And I would like to say that in the past, now, and in the future we will be willing to serve agriculture just as efficiently and as well as we can under any condition that you, in the wisdom of the Congress, see fit to provide for us.

Mr. HENDERSON. Well, I think that response is certainly in keeping with the high quality of the county employees.

Mr. Wilson?

Mr. WILSON. Mr. Chairman, this is rather new to me. I am a city boy, and I am not too much acquainted with the problems of farmers. But I have been very impressed with the statements we have heard thus far and I recognize a real problem here and I certainly will support any legislation to straighten this problem out. I think you have a real problem. I can see by the rules and regulations that are set down in connection with political activities and your off-duty activities, and the work that you are doing, that you are completely under the control of Federal legislations and you are treated just as Federal employees, and I believe that any transfer, at least within the Department of Agriculture—I don't know that I would want to go as far as the House bill that would grant this in any governmental department—but certainly I agree that you should be able to make this transfer without loss of any pay or benefits.

And I will support the legislation, Mr. Chairman.

Mr. HENDERSON. Thank you very much, Mr. Wilson.

Thank you, Mr. Jones.

Mr. JONES. Thank you very much.

(The statements of Mr. Clyde R. Payne and the Honorable Morris K. Udall are as follows:)

STATEMENT OF CLYDE R. PAYNE, SECRETARY-TREASURER, NATIONAL ASSOCIATION OF AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE COUNTY EMPLOYEES

I am Clyde R. Payne, Hamilton County ASCS Office Manager, Jasper, Florida, and Secretary-Treasurer of the National Association of ASCS County Employees.

The National Association of Agricultural Stabilization and Conservation Service Employees (NASCOE) is a voluntary organization of County Agricultural Stabilization and Conservation Service Employees—hereafter referred to as ASCS employees. Approximately 96% of ASCS employees are members of NASCOE. The sole purpose of this organization is to promote the welfare of its members. Each state of the U.S. has a state organization of ASCS county employees that is affiliated with NASCOE. Each state affiliated has two members on the Board of Directors. NASCOE has national officers and an executive committee representing the six ASCS geographic areas of the United States. They are:

<i>Area</i>	<i>Name</i>	<i>City/State</i>
Northwest	Tom Rennard	Casper, Wyoming
Southwest	Elmer Cheek, Jr	Carlsbad, New Mexico
South Central	Otis Lancaster	Columbus, Mississippi
Southeast	E. T. Sullivan	Geneva, Alabama
Northeast	Evelyn Yeagle	Collegeville, Pennsylvania
Mid-west	Robert Scales	Plankinton, South Dakota
<i>Officers</i>	<i>Name</i>	<i>City/State</i>
President	Woodrow Jones	New Boston, Texas
Vice President	Ray Vanderhorst	Bussey, Iowa
Secy-Treasurer	Clyde R. Payne	Jasper, Florida
Past-President	Joy L. Flud	Durant, Oklahoma

All officers, committeemen, etc. are ASCS employees with no salaried personnel, but we do have on a retainer basis Mr. Dillard B. Lasseter, P.O. Box 270, Washington, D.C. 20044, who keeps us advised on legislative activities and assists us in legislative work.

The Agricultural Stabilization and Conservation Service employees carry out various Federal programs assigned to them by the Congress, Secretary of Agriculture, Executive Orders, etc. The headquarters for ASCS is in the United States Department of Agriculture Building, Washington, D.C. There are also state and county ASCS offices that administer only Federal programs. County, city or state governments have no connection with the national, state or county level of ASCS.

ASCS employees on the county level administer directly to farmers of the U.S. a great number of the complex USDA farm programs; such as the Soil Bank, Agricultural Conservation, Marketing Quotas (tobacco, cotton, wheat, peanuts and rice), Commodity Credit Loans, Cropland Adjustment Program, Wool Incentive Payments, Sugar, Feed Grain, etc. These are practically all the action programs of USDA.

Previously, the Post Office and Civil Service Committee had determined and the Congress agreed—and we ASCS employees shall always be grateful to you—that we, the ASCS employees on the county level, would have Civil Service retirement, health and life insurance previously given to other Federal workers and you have included us in recent pay adjustment bills. Today, we are before you representing approximately 15,000 ASCS county employees asking you to act favorably on Senate Bill 1028 or H.R. 6299. This bill is supported by our members because it would extend to a group of loyal Government employees in ASCS county offices equal (not preferred) treatment enjoyed by other Government employees to be eligible to transfer or be promoted in Governmental work.

It is a time honored American principle of management for employees to "rise through the ranks." However, in ASCS we can't afford to be promoted to State or Washington offices because we would forfeit all accumulated sick leave, retention rights, etc., and have our leave earning capacity rolled back to the same level as a new employee recruited from the streets. Employees advancing from our sister agencies on county level do not have this problem.

The Government would be greatly benefited if this legislation passed. An example being that the U.S. Department of Agriculture could draw from the talents of county ASCS personnel, who have had years of experience dealing directly with the farmer with USDA action programs, to assist with formulating policy and procedures, etc. Not only would this be beneficial to USDA, but would offer dedicated career people the opportunity to advance in their chosen field without losing the items covered by this proposed legislation. The legislation would not permit us to by-pass any examinations or special requirements, etc.

We certainly appreciate your assistance in our past desires and the fairness of your action. We, again, hope you will see fit to recommend to the Congress this specific piece of legislation which will give us equal treatment and at the same time assist USDA to solve acute personnel problems.

Thank you for listening to our case.

STATEMENT OF HON. MORRIS K. UDALL, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF ARIZONA

Mr. Chairman and members of the subcommittee, I appreciate having this opportunity to testify in support of S. 1028 and H.R. 6299, the companion House bill which I introduced. This legislation would eliminate the severe hardship encountered by ASCS employees who accept Civil Service with the Department of Agriculture by extending to them the same benefits which are accorded federal employees who transfer from one agency to another.

The provisions of the bill would permit the appointment of a county office employee at a salary step which does not exceed the highest rate of compensation he received for service with the county committee.

It would authorize transfer of the county employee's accumulated annual and sick leave and credit county committee service in determining his rate of leave-earning when he transfers to a position in the Department of Agriculture. And, it would credit service with county committees in computing total length of federal service for retention purposes.

Mr. Chairman, in accepting assignments with the Department of Agriculture under present law, many county committee employees have been required to take salary reductions and suffer the loss of their accumulated leave. As an example, the salary of a county employee at step 10, CO-9 who is appointed to a comparable level Civil Service position, which is a GS-9, would be reduced by some \$2,000.

And, with ten to fifteen years' service, he also would be required to forfeit possibly 1,000 hours of sick leave.

These are employees of committees which administer programs established by the Congress in the public interest and are financed by federal funds. These employees have all the responsibilities of federal employees, yet they are denied some of the important rights and benefits which federal employees enjoy under existing law.

In testifying before the Senate Committee on Post Office and Civil Service, Mr. Horace D. Godfrey, Administrator, ASCS, Department of Agriculture, had this to say: "ASC county committee employees are a primary source of qualified candidates to fill key positions in ASCS State Offices. This source of talented personnel with years of invaluable experience in the Department's programs at the grass roots level also provides the source for filling many other positions within the Department. Without this legislation, we will be deprived of the services of persons seriously needed."

And, Secretary Freeman reported on identical legislation in the 88th Congress that . . . "The lack of interchange between leave systems is a deterrent to our recruitment efforts and the extension of comparable benefits as provided in this legislation would remove a major bar limiting our ability to interest committee employees in transferring to other departmental positions."

The salary rates of county employees cannot be protected upon appointment to a Civil Service position, but the Classification Act does provide for protection of the salary rates of persons appointed from positions not covered by the Act, such as the Foreign Service and certain legislative and judicial employees.

Mr. Chairman, we in the Congress have seen fit to extend to the ASCS employees Civil Service retirement, health and life insurance benefits, and have included them in federal salary increase bills since 1960, and I think it is incumbent upon us to correct this glaring inequity.

In my judgment, this legislation would be of tremendous benefit to the county employees in the protection of salary and leave benefits and to the Department of Agriculture in the recruitment of trained personnel to fill vacancies, and I urge its favorable consideration by the subcommittee.

Mr. HENDERSON. Our next witness will be Mr. Thomas Walters, legislative liaison of the American Federation of Government Employees, who will give the statement on behalf of Mr. Griner, the national president.

STATEMENT OF THOMAS WALTERS, LEGISLATIVE REPRESENTATIVE, ACCOMPANIED BY CARL K. SADLER, ASSISTANT LEGISLATIVE REPRESENTATIVE, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

Mr. WALTERS. Mr. Chairman, noting that you have a goodly number of witnesses, I would like to place the American Federation of Government Employees in support of the legislation pending before this committee and to ask permission to file our statement and to make it a part of the record.

Mr. HENDERSON. Without objection, it will be printed in the record following your comments.

Mr. WALTERS. We have testified in support of the intents of this legislation several times before the House and Senate committees, and we can see no reason why these employees should not be granted the full benefits, as other employees, instead of making them halfway Federal employees, go all of the way and give them a whole loaf of bread.

I note in S. 1028 there is a typographical error, and I presume the staff has already caught it. I think the section 5334 is the one to be amended instead of 5534.

Mr. HENDERSON. You are correct in that and it will take a technical amendment to the bill on that point.

Mr. WALTERS. Yes. Now we strongly support, as I stated earlier, the intent of this legislation, and we also feel that there are some other groups that should be given consideration either now or at some immediate future date. We would not desire at this time to offer any amendments that would deter or slow down this legislation. But there is a small group of people who worked back in the 1930's under the Works Projects Administration, and these people, many of them, doing the same type of work in the same room, occupying the same desk, and just because one was paid from a certain earmarked fund, they are entitled to count that service toward Federal retirement if they become a Federal employee. But the other group, because of their earmarking of the money, it has been ruled they are not eligible for counting it toward retirement, and we feel this is something that certainly ought to be looked at at some immediate date. I believe it would only be a few hundred that would be involved.

I happen to know one who works in our office, Mr. Joe Reams, who spent about 9 years under this setup, rose to be assistant State director of education in the State of Ohio, and just because the money was earmarked from a different fund, he is not eligible to count that toward his retirement, if he becomes a Federal employee. And he does have some Federal service. So I would appreciate very much if this committee or the staff or somebody would take a look at this at the opportune time to correct an inequity, something similar to what appears to be true of these people.

Not having the privilege of being a city boy, as our good friend Mr. Wilson, I come from the real country part of north Georgia, where I am very familiar with the people who make up the group that we are trying to cover, and I agree with the statements made by the president who has just appeared before this committee, that these are people the farmers have confidence in and follow their advice and suggestions, and I think we have just been too long in giving them the things they are justly entitled to, and we trust and hope that this committee will immediately vote out a bill similar to S. 1028 or if they could, to expedite it, vote out the bill identically as passed by the Senate, and let's get moving, because I am sure you fellows are anxious to wind up as much of the business as you can so that you can at least get home for Santa Claus. And with that, Mr. Chairman, we close.

Mr. HENDERSON. Thank you, Mr. Walters. I am glad to know that somebody on Capitol Hill still has some hope that there will be a Santa Claus this year.

To keep the record straight, is my recollection correct that Congress has enacted the legislation that you would like to see enacted for the other employees, but that it ran into some difficulty down on Pennsylvania Avenue? Haven't those bills been enacted and vetoed by the President?

Mr. WALTERS. This year?

Mr. HENDERSON. No, in past Congresses.

Mr. WALTERS. I don't remember. They vetoed a life insurance bill this year that upset a lot of our people, especially the older people who are wanting to retire and get a little better benefits from the Federal life insurance program.

Mr. HENDERSON. Certainly the members of the committee are familiar with the point that you are making with regard to extending credit for some of the other Federal employees that in the past have

worked in Federal-State programs. Perhaps, as we move along, in time there will be a more favorable position of the Bureau of the Budget and the Civil Service Commission with regard to that point.

I am most appreciative that you are not urging us today to load this particular bill down with something that might cause it not to be favorably received by the executive.

Mr. WALTERS. Mr. Chairman, we certainly don't want to throw the switch to cause any derailments.

There is one other group that I would like to mention, and that is the employees of the Selective Service System. I think there is a group of employees that is the most neglected of most any group that I know of. Again I can speak from experience, having served as chairman of my local draft board, and knowing of the salaries paid in adjoining counties and throughout the State, and unless it has changed, tremendously, there is no rhyme or reason as to the payment of these employees.

One county can pay a certain amount and another county can pay more or less. And it keeps confusion going all of the time, especially when you come from small counties where people know everyone else and you know what is going on in the other counties. It just seems to me that this is a group of people that certainly needs some consideration.

Mr. HENDERSON. On that point I couldn't agree with you more. I am sure you know if we had had the interest of some of the others last year or in the past that this would have been enacted.

Mr. Wilson.

Mr. WILSON. Thank you, Mr. Chairman.

Mr. Walters, in this connection, the point you just made, I recognize that one of the principal arguments that the Civil Service Commission makes in opposition to this legislation is that it is a foot-in-the-door type of thing, that will open this up to various other groups of people.

Right offhand, can you think of, can you tell me how many other groups there would be that have similar situations that might be encouraged to come in with special legislation of this type?

Mr. WALTERS. Well, I don't know just how many, but I doubt if it would be over three or four or five, and they are all small in number, all that I know anything about are small in number, and this whole argument about opening the door, that door has been opened or closed so many times in the last 20 years, they have worn the hinges off.

You can go back and find many, many places where we have brought in special groups, either by legislation or by Executive order or otherwise. So I think that argument is pretty well worn thin and wouldn't have much influence on me, because we have been opening and closing that door for a long time.

But to answer your question the best I can, Congressman Wilson, all the groups that I know anything about are very small in number, and from the standpoint of cost would be very, very little. And I doubt seriously if there would be more than four or five groups. I actually don't know of that many. I only know of about three groups that have been consistently nudging us to do something about getting them under the full benefits. So it would be a very small number.

Mr. WILSON. Well, I would imagine so, too. I don't know, and perhaps we can find out from the Civil Service Commission.

MR. WALTERS. I would think the largest group that I know of at least would be the employees of the selective service county boards.

MR. WILSON. It doesn't seem to me we are talking about too many people. But to the ones we are talking about, it is a most important problem and certainly they should be taken care of. I am in agreement with that philosophy.

MR. WALTERS. Thank you.

MR. HENDERSON. Thank you very much, Mr. Walters.

(The statement of John F. Griner, national president, American Federation of Government Employees, is as follows:)

STATEMENT OF JOHN F. GRINER, NATIONAL PRESIDENT, AMERICAN
FEDERATION OF GOVERNMENT EMPLOYEES

The American Federation of Government Employees supports the bills, S. 1028, which was approved by the Senate June 28, 1967, and H.R. 6299, the companion House bill. These measures would provide additional benefits for those employees of the Department of Agriculture who, prior to their Federal service, had participated in the operation of important agricultural programs sustained by funds supplied by the Federal Government.

The Department of Agriculture employees who would benefit are those who had served as employees of county committees established pursuant to the Soil Conservation and Domestic Allotment Act and the Agricultural Adjustment Act of 1933.

Congress has already provided certain of these employees benefits under the Civil Service Retirement Act, the Federal Employees Group Life Insurance Act, and the Federal Employees Health Benefits Act. It is only consistent to add the other benefits of similar importance mentioned in these bills, which have been accorded other regular Civil Service employees who have spent their entire service in the Federal Government.

The first benefit provided by these bills would be to make it possible for an employee of one of the county committees involved, upon appointment to a position in the Department of Agriculture which is subject to the Classification Act, to have his initial rate of compensation fixed pursuant to that Act so as to take into account the highest previous rate of compensation received during his service with a county committee. This would be done by amending Section 5334 of Title 5, United States Code.

The next benefit to be conferred by these bills is to credit for annual leave purposes prior service with a county committee established under the Soil Conservation Act or with a committee or an association of producers described in the Agricultural Adjustment Act of 1933. Thus, the rate of earning annual leave would be determined in part by earlier county committee service.

These former county committee employees also would receive benefits under the Veterans Preference Act. This would result from a provision recognizing prior county committee service as service creditable for purposes of Reduction in Force, as provided in Section 3502 of Title 5 of the United States Code.

Crediting service in the employment of county committees established under the Soil Conservation and Domestic Allotment Act or of a committee or an association of producers described in the Agricultural Adjustment Act has ample justification. These benefits would be contingent upon employment in the Federal service. Also it would be necessary for the individual who benefits to have been working on a program which for all practical purposes is a Federal program.

These State programs form a needed and valued source of personnel who enter upon their later Federal duties trained and experienced in the work they are to do for the Federal Government. These programs are in every sense invaluable training grounds for the successful performance of related duties in the Federal service.

These bills would be extensions of earlier legislation, which provided ample justification for the proposals in S. 1028, or H.R. 6299. Public Law 86-568, approved July 1, 1960, authorized retirement credit for service in the employment of a county committee established under the Soil Conservation and Domestic Allotment Act. The 1960 law also provided group insurance and health insurance benefits for this prior service. Public Law 87-350, approved October 4, 1961, added service under the Agricultural Adjustment Act as creditable toward retirement benefits, but subject to the deposit of equivalent deductions from

salary for such service with county committees under both Acts or with producers associations authorized by the Agricultural Adjustment Act.

Enactment of these bills would result in virtually no direct cost to the Federal Government. They authorize payment of the appropriate classified salary which would be expected on the basis of assigned duties, and make it possible for the Federal employee having this prior service to have it counted in determining whether he may earn 13, 20 or 26 days of annual leave a year and for him to receive credit for it if he becomes involved in a Reduction in Force.

Service with the Work Projects Administration in the 1930's—is in our opinion worthy of consideration for legislative treatment similar to that accorded employees identified with the Federal-aid programs affected by the bill, S. 1028 and H.R. 6299. We believe provision should be made for giving retirement service credit to this relatively small group, with the opportunity for the employee to deposit an amount equivalent to deductions from salary that would otherwise have been made in those earlier years.

One of our staff members was State Director, Adult Education and Citizenship Education Project, for the State of Ohio. Due to the fact that in those days all supervisors, with the exception of topmost administrative officers, were paid from project funds, instead of administrative funds, supervisors had project status. Even though these employees served in top supervisory and administrative positions, the fact that they were paid from project funds, rather than administrative funds, they were denied credit for these years of Federal service toward the computation of their Civil Service retirement annuity. The manner in which these supervisors were paid, from project rather than administrative funds, was an accounting subterfuge used in those days to hold down administrative costs.

It is believed that only a few persons in this category are still working for the Federal Government. However, if all employees who served and were compensated in this manner were still in Federal Service, the number would be relatively small.

The bills which are here under consideration appear to us to be worthy of affirmative action.

Mr. HENDERSON. The next witness is Dr. N. T. Wolkomir, president of the National Federation of Federal Employees.

STATEMENT OF NATHAN T. WOLKOMIR, PRESIDENT, NATIONAL FEDERATION OF FEDERAL EMPLOYEES; ACCOMPANIED BY IRVING I. GELLER, DIRECTOR, LEGAL AND EMPLOYEE RELATIONS; AND ELMER AMBROGUE, ASSISTANT DIRECTOR, LEGAL AND EMPLOYEE RELATIONS

Mr. WOLKOMIR. Thank you very much, Mr. Chairman.

Mr. Chairman and members of the subcommittee, my name is Nathan T. Wolkomir. I am president of the National Federation of Federal Employees, the oldest and largest of all independent general unions of Federal employees. On my left is Mr. Elmer Ambrogue, from our legal staff, who is an expert in the field of agriculture, having retired from that department, and on my right, the director of our legal staff and employee relations, Mr. Irv Geller.

This year, 1967, marks the 50th anniversary of the founding of the NFFE. We have a great many employees in the Department of Agriculture, and have had since the inception of the NFFE 50 years ago.

We heartily endorse the statement of Mr. Jones, the president of the National Association of ASCS County Office Employees.

Mr. Chairman, H.R. 6299 will recognize periods of employment service in the county offices of the Agriculture Stabilization and Conservation Service for the purposes of salary adjustment, annual and sick leave, and reductions in force for former county office employees who are appointed to positions in the Federal service. It is a companion bill to S. 1028 introduced by Senator Monroney. On May 4, 1967, I appeared before the Senate Post Office and Civil Service

Committee to urge the enactment of S. 1028. Subsequent to the public hearing, S. 1028 was amended to extend the stated benefits only when the employee is appointed to a position in the Department of Agriculture. It was this amended version of S. 1028 which passed the Senate on June 28, 1967, and now is in the House Post Office and Civil Service Committee.

The reasoning in support of the amendment to S. 1028 is set forth in Senate Report No. 365. In essence, S. 1028 as amended, is an attempt to provide special recruiting assistance to the Department of Agriculture whereby the Department can secure a greater number of ASCS county employees for positions in the Department of Agriculture. The Department could use up to 400 each year, but under existing conditions can secure only about 150 each year.

Employees in the county offices of the ASCS are not Federal employees even though their salaries are paid entirely out of Federal funds, and they have had extended to them the benefits of the Civil Service Retirement Act, the Federal Employees Group Life Insurance Act, the Federal Employees Health Benefits Act, and the Severance Pay Act. They are paid at rates identical to the general schedule at grades 1 through 11, and their salaries are increased by Congress whenever Classification Act employees receive increases. Despite all of these conditions, when an employee of a county committee is appointed to a position in the Department of Agriculture, he begins his Federal service at the minimum rate of the appropriate grade and is in all other respects of his employment status a beginner. This is true regardless of the number of years he may have served in a county office or the degree of experience and competence he has attained. A county office employee in grade CO-9 step 5 is paid the same salary as a GS-9 step 5. But, if he is appointed to a Federal position classified at GS-9, he is placed in the first step of GS-9. Similarly, he starts at the beginning rate in accumulating annual leave, and for a reduction in force his ASCS service is not considered. Thus, a county employee who moves to his State headquarters after 15 or 20 years of county service is junior to all other headquarters' employees; an indefensible situation.

Rather than increasing his salary and fringe benefits with appointment in the Department of Agriculture, the county employee finds that his salary may be reduced, his accumulated annual and sick leave erased, and his seniority abolished. Under these conditions, the real miracle is that 150 ASCS employees in county offices are willing to make the sacrifices necessary to accept employment in the Department of Agriculture.

From this summary, I am convinced the Department of Agriculture urgently needs the assistance S. 1028 as approved would provide. Therefore, I strongly urge H.R. 6299 be amended to agree with S. 1028 as approved and recommended favorably by the subcommittee.

The NFFE is supporting this legislation as it has sponsored and supported legislation, as yet not acted upon, to bring employees of the selective service system under the Classification Act. S. 555, introduced by Senator Brewster, would extend the classification provisions to selective service employees, who like these ASCS employees, carry all of the responsibilities of Federal employees, but are denied some of the most important rights and benefits which are accorded other Federal employees. There is also another group of employees, certain

personnel with the Comptroller of the Currency, Department of the Treasury—for example bank examiners and others—which we feel should be brought under the Classification Act.

In these instances, however, we would emphasize most strongly that remedial legislative action should be taken not only in justice to the employees, but as a step dictated by every consideration of sound personnel administration—in the public interest. There is no justification whatever for leaving these sizable groups of employees outside the pale of what might be termed full citizenship as Federal employees; of continuing them in the limbo in which they presently function.

Mr. Chairman, these employees—the county committee employees, the selective service employees, and the mentioned personnel with the Comptroller of the Currency—have demonstrated that by every yardstick they uphold the high standards of the Federal civil service. By every yardstick it is right, proper, and in the national interest to place them in the mainstream of our civil service system.

I again emphasize our endorsement of S. 1028 and H.R. 6299 as per proposed amendment, and also express to the members of the subcommittee my thanks for their interest and attention today.

Mr. HENDERSON. Thank you very much, Dr. Wolkomir, for a very fine statement.

With regards to these employees you have spoken about—let's take the selective service employees—I am sure that you gentlemen at the table, as well as the members of the subcommittee, are all hoping that within a matter of hours, we are going to have a pay bill passed at least by the House.

These employees have very little assurance, but great hope that they might receive like treatment, but it probably will not be covered in the proposed bill.

Mr. WOLKOMIR. They are not included, sir.

Mr. HENDERSON. Mr. Wilson, do you have any questions or comments?

Mr. WILSON. Well, Mr. Chairman, Dr. Wolkomir's answer to the question I asked Mr. Walters, apparently there are three principal groups that need to be taken care of, these county employees that are covered by this bill, the selective service employees and the bank examiners, working in the Comptroller's office.

Mr. WOLKOMIR. Congressman Wilson, this is the group in which we have the largest number affected. There are others; for example, we have what are known as the Smith-Hughes instructors. I, myself, happened to have been one, where we are paid through 50 percent of Federal funds and 50 percent State funds. They too are not credited, but there are a few Smith-Hughes teachers who are presently in existence.

We have, also, a small group of people from the old NRA days, the Job Corps today, and they were not in what was known as administrative positions, and therefore, their period of service is not counted toward retirement, and other fringe benefits.

So, there are several other small groups. But, the three major groups are those we itemized.

I might state also, Mr. Chairman, that I am also a farm boy. My son happens to be an ASCS employee. So, I think I speak with some experience coming from the real farmland of the State of Illinois, the great cornbelt and I have lived with these farmers and I am a member of the Farm Bureau.

Mr. HENDERSON. Is your son a county employee?

Mr. WOLKOMIR. He is an ASCS county employee; yes, sir.

Mr. HENDERSON. That is very interesting. I might make the point that with regard to the others that you spoke of, such as the selective service employees, or certain employees of the Comptroller of the Currency and so on, that they don't have the pay protection that even these county employees have.

Mr. WOLKOMIR. That is right, sir.

Mr. HENDERSON. I think this is a point you were making in your statement.

Mr. WOLKOMIR. The administrative set up in the selective service—and I know you and Mr. Brasco and your entire staff are familiar with it—is entirely different than any other semi-Federal employee. They are, incidentally, Federal employees though. They are Federal employees and they are not subject to the benefits.

Mr. HENDERSON. Here we are especially acting on a group that are often referred to as not Federal employees, who do get Federal pay, Federal leave, and some other Federal employee comparability.

Mr. WOLKOMIR. There is certainly an inconsistency somewhere.

Mr. HENDERSON. Your point is well made, Dr. Wolkomir, and it is a pleasure to have you before us this morning.

Mr. WOLKOMIR. Thank you.

Mr. HENDERSON. Our next witness is Mr. Glenn Stahl, Director of the Bureau of Policies and Standards, Civil Service Commission.

Mr. Stahl, it is always a pleasure to have you before the subcommittee.

STATEMENT OF HON. JOHN W. MACY, JR., CHAIRMAN, CIVIL SERVICE COMMISSION, AS PRESENTED BY O. GLENN STAHL, DIRECTOR, BUREAU OF POLICIES AND STANDARDS

Mr. STAHL. Thank you very much, Mr. Chairman. Chairman Macy sends his regrets that he could not be with you this morning, because of a conflict that was beyond his control. And I therefore would like to present his statement on his behalf.

I hope you will forgive my little problem with my throat this morning. I am recovering from a cold, but I think I can make it.

Mr. HENDERSON. I assure you we can hear you very well.

Mr. STAHL. I am pleased to be here to present to you the views of the Civil Service Commission on legislation proposed to extend certain Federal benefits to county employees of the Agricultural Stabilization and Conservation Service. The Commission has submitted reports on both of these bills. If appropriate, Mr. Chairman, I suggest that they be placed in the hearing record.

Mr. HENDERSON. Under previous unanimous consent, they have been.

Mr. STAHL. These bills are the latest of several proposals to extend the benefits and privileges of Federal employment to county employees of the Agricultural Stabilization and Conservation Service. H.R. 6299 would permit the Federal salary of a former county office employee to be set at a higher than minimum entry rate of the grade, authorize the transfer of accumulated annual and sick leave earned in county office employment to the account of an employee who moves to a Federal position, and credit county office service performed prior to July 10, 1960, for employment retention purposes.

All of these benefits and privileges would be made available to any county office employee moving to any Federal position in any Federal agency under the provisions of H.R. 6299.

S. 1028, on the other hand, limits its applicability to former county office employees who accept positions in the Department of Agriculture. It provides that (1) county committee employees transferring to positions in the Department of Agriculture would have their rates of compensation set to eliminate or minimize reductions in salary, (2) the annual and sick leave of county committee employees would be transferred with them to the Department of Agriculture, (3) county committee employees would be given credit in the Department of Agriculture for county committee service in determining their annual leave earning rate as well as in the reduction-in-force procedure.

Of paramount importance in considering both of these proposals is one factor—county employees are not now Federal employees. It is the county office manager who supervises the day-to-day operations of the county committee—and he is not a Federal officer.

The criteria for determining whether an individual is a Federal employee are—

1. The individual must be engaged in the performance of Federal functions under authority of an act of Congress or an Executive order; and

2. The individual must be appointed or employed by a Federal officer in his official capacity as such; and

3. The individual must be under the supervision and direction of a Federal officer.

All three criteria must be met, not just one or two of them. With respect to county office employees, only one of these criterion is clearly met; these employees do perform a Federal function. These three criteria have been given legal sanction, and have been strictly adhered to by the Civil Service Commission for over two decades. In 1962, a court decision, *Stapleton v. Macy*, 304 F. 2d 954, reaffirmed that these criteria have a "reasonable basis in law."

Proof positive that county committee employees of the ASCS are not Federal employees is the very fact that legislation is needed to make them eligible for benefits arising from Federal employment.

Fundamentally our position is this: The Federal personnel system is a comprehensive, self-contained system specifically designed and intended for Federal employment. It consists of an interdependent set of employee rights, obligations, and benefits. They fit together because they belong together. Parceling out these benefits in a piecemeal manner for noncompetitive entry into the system can lead to undesirable consequences in the equitable administration of Federal personnel programs. There now exists a great deal of flexibility within the Federal service in moving employees among the several Federal merit systems because the Commission has carefully fostered flexibility in its regulations. The Commission, while interested in facilitating mobility among various systems, is also concerned with any ambiguity in employer-employee relationships within the service and in keeping benefits consonant with the rights and obligations of employment, such as adherence to the provisions of the Hatch Act, the Veterans' Preference Act, and the Lloyd-La Follette Act.

The most serious consequences we foresee by providing these county committee employees with additional Federal employment benefits,

without granting them the full status of Federal employee, is the broad precedent such action would set.

I emphasize that phrase, Mr. Chairman, "without granting them the full status of Federal employee."

The Government should not extend benefits to one group and not another. It cannot use two sets of standards, and at the same time, administer an equitable system. Although there is contention that these county committee employees are unique and that granting them additional benefits could not be cited as a valid precedent by others, we do not agree with this contention. Many other groups can claim they are unique and provide as good, if not better reasoning, than the county committee personnel of the Agricultural Stabilization and Conservation Service. For example, great numbers of employees of nonappropriated and fund instrumentalities in the Department of Defense, for example, post exchange employees, State employment service employees—of which there are many thousands, incidentally there are about 80,000 in that nonappropriated fund category—regional development committees or commissions, and other persons engaged in a variety of Federal-State cooperative programs could likewise claim their uniqueness.

We fully appreciate the concern that there should be local control over local programs, but to whatever extent there is this substantive control now, the situation would not be changed by making the employees fully Federal. On the other hand giving the employees most of the characteristics of Federal employees but stopping short of the final step seems to be an elaborate way of preserving a useless fiction at the cost of a dangerous precedent. ASCS employees already think of themselves as Federal employees and so do their neighbors.

At a hearing in 1964 before the House Post Office and Civil Service Committee on H.R. 8544, the chairman of the legislative committee of the National Association of ASCS County Office Employees had this to say about the status of county office employees:

Let me state in the beginning that we know we are Federal employees. Our families believe we are Federal employees; our neighbors across the street or on the next farm believe we are Federal employees; the people we serve believe we are Federal employees.

In 1965, at a hearing on H.R. 2452, the past president of the National Association of ASCS County Office Employees said:

Our jobs are no more detached from Federal control than are the jobs of the postmasters. We are no more county employees than the Postmaster of New York City is a city employee.

All of this presents a confusing picture. The solution we see is not to compound the confusion by further obscuring the nature of county committee employment. Rather the solution that recommends itself to us is to take the logical step of making these employees fully Federal employees. This would settle the status of these employees once and for all and take care of the recruiting problems of the Department of Agriculture, that have been alluded to here.

We have given a great deal of thought to this legislative proposal. We have reviewed it in light of the needs of the Department of Agriculture for the services of experienced county office personnel. We have carefully considered the viewpoints expressed by members of congressional committees this year. We have reviewed the statements of the National Association of ASCS County Office Employees

(NASCOE). But once more we have come to the same conclusion—we cannot recommend either of these proposed bills but much prefer to see the full step taken of making the employees Federal employees.

However, we appreciate the viewpoint that with respect to this particular group of non-Federal employees the Congress has already granted very exceptional privileges of participation in the retirement and benefit programs and that there should be no great objection to filling in a few gaps in the privileges already conferred on them—especially when there would be a staffing advantage to the Department of Agriculture. We cannot deny the logic of this line of reasoning.

In the last analysis, the Congress must decide whether it is good to provide this legislation to improve employment conditions for a selected group of non-Federal workers paid from Federal funds.

If the subcommittee decides not to make these employees Federal employees, if it decides to give favorable consideration to either the Senate or House bills as drafted, then we would urge at least that the record show this legislation is not intended to serve as a precedent for granting Federal service credit and other benefits for non-Federal service with other federally financed groups.

I would also like to suggest that, of the two bills under consideration, the provisions of S. 1028 limiting the benefits upon transfer to employees accepting positions in the Department of Agriculture are strongly to be preferred. These provisions seem to meet all the expressed needs. The provisions of H.R. 6299 would give previously non-Federal employees seniority or length-of-service advantages over long-term Federal employees in any Federal agency. The dangers of an inequitable situation arising would be minimized if the advantages are limited to the Department of Agriculture.

Chairman Macy's recommendation, however, is that consideration be given now to making all of these county employees Federal employees in the fullest sense, since it appears they are already considered a part of the career progression system within the Department of Agriculture.

These employees would then be subject not only to the benefits of Federal employment but to the rights and obligations as well.

Thank you for giving me the opportunity to present the Commission's views on these two bills.

Mr. HENDERSON. Thank you, Mr. Stahl.

Before the Senate committee, Senator Randolph asked Chairman Macy that if this bill is passed by the Congress, would you recommend that the President veto it. I am sure you are familiar with Mr. Macy's answer, but for the record, Mr. Macy's answer was:

No, I would not. My view as I indicated in my statement is that although the Commission sees difficulties and possibly a difficult precedent in this legislation, that there are considerations that can conceivably be overriding and since those considerations are related to the accomplishment of an important national program if those views prevail, certainly we will accept it.

We would hope if there were enactment there would be an indication that this does not establish a precedent for other groups of non-Federal employees.

In the light of that and your statement, if this subcommittee and the full committee and the Congress limited the bill to the Department of Agriculture as S. 1028 does, and the report and the debate on the floor clearly indicated that we were not establishing a precedent, could I ask if you are in a position to tell the subcommittee members whether you would recommend the signing of the bill in that condition?

Mr. STAHL. I am confident that the Chairman's position would be the same, that he would not recommend a veto and would recommend signing the bill under those circumstances. He simply wants to make clear that he thinks the clean way to do this is to make these people Federal employees. But he would accept the other approach.

Mr. HENDERSON. I am very appreciative of what I think is a very fair statement. I am most appreciative of the concern that he expresses in this statement and in the testimony he has given on other related bills. I think that he is recognizing the unique situation that the county employees feel that they are in and that the Department of Agriculture feels with regard to recruiting from this group who by their performance have proven that they have abilities that are required by the Department.

Mr. STAHL. May I just add one point, sir?

Mr. HENDERSON. Yes, sir.

Mr. STAHL. It occurred to me that we didn't have this in the statement here. There is at least one other organization in the Department of Agriculture which has a committee setup somewhat similar to this in ASCS, the Farmers Home Administration. The employees of those FHA committees are Federal employees, and yet we don't see any damage done to the local participation and the local control over the determinations of the local committees.

It seems to us the same thing could apply here.

Mr. HENDERSON. I think your point is well made. I certainly don't have a closed mind, personally, on this question of making the ASCS employees full Federal employees. I do have some doubt in my mind that we have quite arrived at the time that this would be accepted fully by the farmers. I am most appreciative of the past history, where they feel that these employees are of greater service to them and are more understanding of the farmers' problems than they might be if they were full Federal employees.

Of course the basic final decision with regard to this legislation does not necessarily commit the Congress irrevocably not to make them fully Federal employees at some future date. I feel sure the statement of their representatives here today do not necessarily mean that at some future time they might not change their position.

Mr. Wilson, do you have any questions or comments?

Mr. WILSON. Mr. Chairman, the only concern I have over your dialog with the gentleman from the Civil Service Commission, Mr. Stahl, is that I wonder about the advisability of including anything in the report indicating that this is not a precedent, because I think we have already established the fact that there are at least two other groups that we may want to, at a later date, provide the same type of legislation for.

I would hope we wouldn't prejudice ourselves in giving consideration to the Selective Service people and others by this in the report.

Mr. STAHL. The Selective Service employees are already Federal employees. The only problem there is they are not paid under the General Schedule. The Selective Service System sets its rates, and there has been a movement on the part of Selective Service employees—

Mr. WILSON. This wouldn't affect any future legislation then?

Mr. STAHL. No, it would not affect that. You see our concern is setting a precedent for granting full Federal benefits to non-Federal employees. This is our concern. This is why we prefer to see the route

of making them Federal employees. In the other cases cited—I think another one had to do with bank examiners, if I am not mistaken—they are already Federal employees. It is just a question of which pay system they come under.

So no such statement would offer a problem with respect to those groups.

Mr. HENDERSON. There are other bills, certainly in previous Congresses, as well as this one, that would have extended credit for service in programs that the Civil Service Commission did not feel entitled them to that credit because they were not full Federal employees.

Mr. STAHL. Yes, there have been, yes, sir.

Mr. HENDERSON. It is with regard to that legislation that I was intimating that we might, as suggested by the statement that you presented of the Chairman, that this action would not be precedent necessarily for that.

You will recall that one of the subcommittees of our full committee had hearings on a special bill in the last Congress that I was interested in. This involved Labor Department employees, that had previously served in administering the Fair Labor Standards Act in the State of North Carolina. It was the position of the Civil Service Commission in that regard that they should not be given creditable service when they were brought in as Department of Labor employees. It is the opinion of the Chairman, Mr. Wilson, that the case for these ASCS county employees can stand on its own, and certainly the case for the other employees that Mr. Lasseter and many others have been interested in over the years, likewise can stand on the facts that might be indicated for those groups and that one is not necessarily a precedent for the others.

Mr. WILSON. Mr. Chairman, I agree with you that I think the statement we have here and the indication from Mr. Stahl that there would be no effort to try to have the bill vetoed and the general understanding that they have of this problem is very acceptable to me. I would agree also that we should put the provisions of S. 1028 into our House bill and consider it under those circumstances. I think then we would have a good approach to this.

Mr. STAHL. Gentlemen, I should also inform you that there is pending in the Congress now before the Armed Services Committees, a bill on National Guard technicians, employees of the National Guard, which does go the route of simply making them Federal employees. And this involves 40,000 people.

Mr. WILSON. I am on that committee too, Mr. Stahl. In fact, I have to go over there now.

Mr. HENDERSON. For the benefit of Mr. Wilson, whose committee has already acted on that in the House, I am very pleased to recite here that I was the first Member of Congress to introduce the bill that would do that. Mr. Macy's argument with regard to those employees sure doesn't impress me one bit. He knows my position on that.

Thank you very much.

We have one other statement for the record that has been submitted by Mr. John C. Brown, Jr., the service officer of the National Association of Farmer Elected Committeemen. That statement will be placed in the record. Mr. Brown, if you have anything you would like to add to the statement, we would be delighted to hear from you.

Mr. BROWN. Only to thank you, Mr. Chairman, for accepting the statement.

Mr. HENDERSON. We are delighted to do so and we are most appreciative of the objectives of your organization. I am familiar with the fine work you have done in the short time you have been organized in the State of North Carolina.

(The statement of Mr. John C. Brown, Jr., representing the National Association of Farmer Elected Committeemen, is as follows:)

STATEMENT OF JOHN C. BROWN, JR., REPRESENTING THE NATIONAL ASSOCIATION
OF FARMER ELECTED COMMITTEEMEN

Mr. Chairman and members of the subcommittee, the Association appreciates this opportunity, so kindly granted by you, to advance this statement regarding the proposed subject legislation. This Association is one whose eligibility to membership is that of being a present or past member of a County or Community AAA, PMA, or ASCS Committee. These members' interest therefore, in advancing local administration of farm programs, by farmers, is sincere and intense.

Since Committeemen are given by law, certain specific responsibilities in the local administration of programs developed by the Congress, these Committeemen want to see that the personnel they select for County Office employment receive fair and equitable treatment.

The Officers and Directors of the National Association of Farmer Elected Committeemen, at a meeting at Des Moines, Iowa on July 8, 1967 formally approved and endorsed S. 1028.

H. R. 6299 was not specifically brought to their attention. The Directors, however, formally expressed unqualified approval of legislation that would accomplish the following:

1. Permit the Department of Agriculture to appoint ASC County Committee employees, to positions in the classified service of the Department at a salary step which would protect the prior salary rate established in the county.
2. Transfer the County Committee employees' accrued annual and sick leave when he transfers to a position in the Department of Agriculture.
3. Credit the employees' length of service in the County Office for leave earning and reduction-in-force purposes.

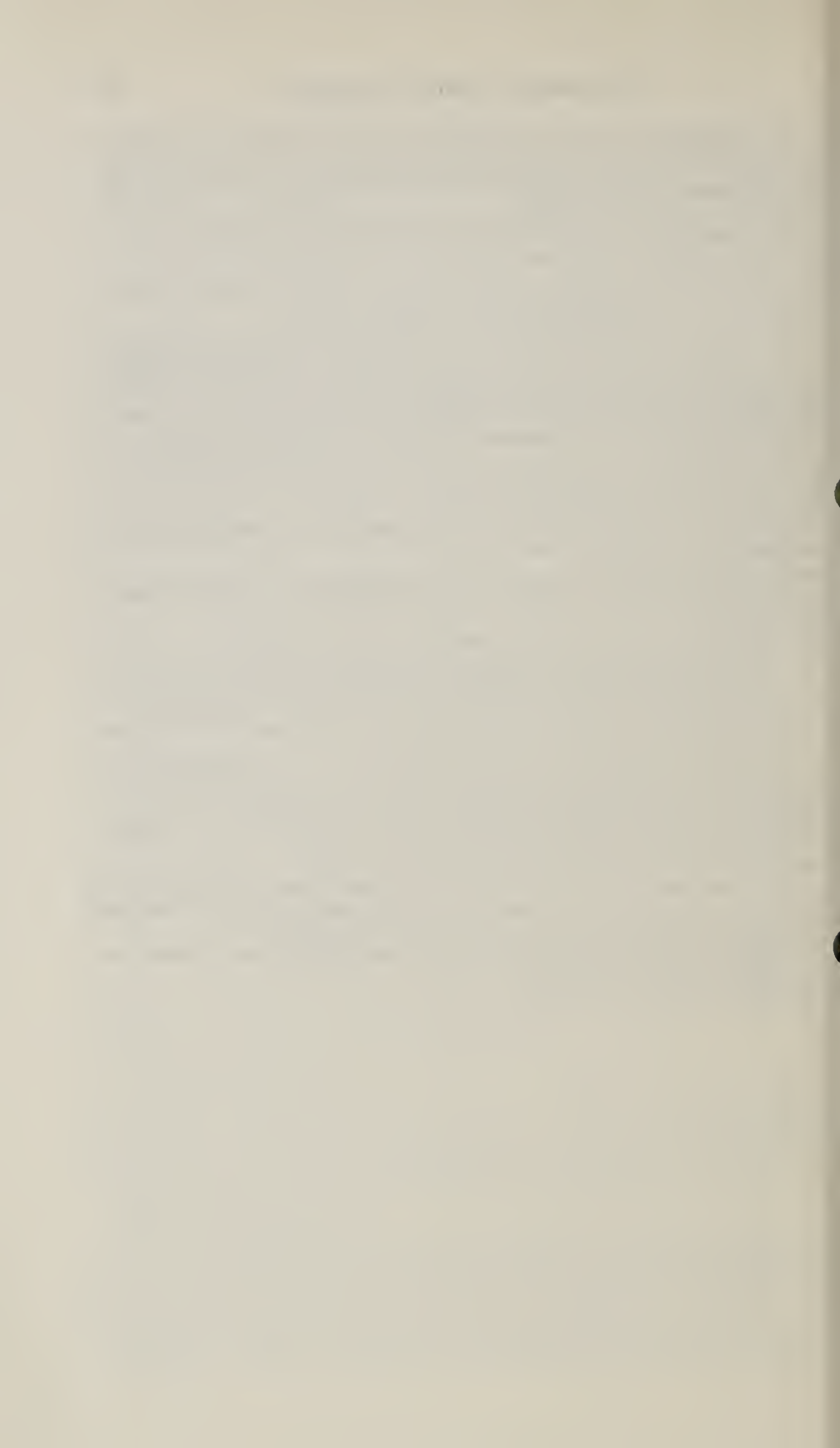
Other testimony presented to you has included examples of inequities that occur under the presently controlling law. To remedy this would be in the interest of justice and would advance overall administration of agricultural programs from the grass roots up and through the Department of Agriculture.

Thank you for accepting this effort to secure benefits for County ASCS employees that County Committeemen believe they deserve.

Mr. HENDERSON. If there are no further requests for anyone to testify or comment on the testimony this morning, the subcommittee will stand adjourned, subject to the call of the Chair.

(Whereupon, at 11:30 a.m., the subcommittee was adjourned, subject to the call of the Chair.)





LEGISLATIVE HISTORY
Public Law 90-367
S. 1028

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INDEX AND SUMMARY OF S. 1028

Jan. 11, 1967	Sen. Young, N. Dak., introduced S. 124 which was referred to Senate Post Office and Civil Service Committee. Print of bill as introduced.
Feb. 20, 1967	Sen. Monroney introduced and discussed S. 1028 which was referred to Senate Post Office and Civil Service Committee. Print of bill and remarks of author.
Feb. 28, 1967	Rep. Udall introduced H. R. 6299 which was referred to House Post Office and Civil Service Committee. Print of bill as introduced.
May 3, 1967	Sen. Hollings was added as co-sponsor to S. 1028.
June 21, 1967	Senate committee voted to report S. 1028.
June 27, 1967	Senate committee reported S. 1028 with amendments. Senate Report 365. Print of bill and report.
June 28, 1967	Senate passed S. 1028 as reported.
June 29, 1967	S. 1028 was referred to House Post Office and Civil Service Committee. Print of bill as referred.
Mar. 27, 1968	House subcommittee approved S. 1028 for full committee consideration.
Apr. 4, 1968	Senate committee voted to report S. 1028.
May 9, 1968	Senate committee reported S. 1028 with amendments. Sen. Rept. 1371. Print of bill and report.
May 15, 1968	Summary of bill as reported by Senate committee.
May 22, 1968	Rules Committee reported a resolution for consideration of S. 1028. H. Res. 1182. H. Rept. 1415. Print of resolution and report.
June 18, 1968	House passed S. 1028 with amendments.
June 21, 1968	Senate concurred in House amendments.
June 29, 1968	Approved: Public Law 90-367

Hearings:

Senate Post Office and Civil Service Committee hearings on S. 1028.

House Post Office and Civil Service Committee hearing on H. R. 6299 and S. 1028.

90TH CONGRESS
1ST SESSION

S. 124

IN THE SENATE OF THE UNITED STATES

JANUARY 11, 1967

Mr. YOUNG of North Dakota introduced the following bill; which was read twice and referred to the Committee on Post Office and Civil Service

A BILL

To amend the Annual and Sick Leave Act of 1951 so as to extend to employees of State agricultural stabilization and conservation service committees credit for annual and sick leave purposes for services performed as employees of county agricultural stabilization and conservation service committees.

1 *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

3 That section 205 of the Annual and Sick Leave Act of 1951,

4 as amended, is amended by adding at the end thereof the

5 following new subsection:

6 “(f) In any case in which an employee of a county

7 committee established pursuant to section 8 (b) of the Soil

1 Conservation and Domestic Allotment Act (16 U.S.C. 590h
2 (b)) shall have been transferred without break in service
3 to a position as an employee of a State committee established
4 pursuant to such section—

5 “(1) there shall be credited to such employee an
6 amount of annual and sick leave equal to the amount
7 of such leave which would have been to his credit upon
8 such transfer had he been subject to this Act during the
9 period of his service as an employee of the county
10 committee, and

11 “(2) in determining his rate of accrual of annual
12 leave under section 203, his service as an employee of
13 the county committee shall be considered to have been
14 performed as an employee subject to this Act.”

A BILL

To amend the Annual and Sick Leave Act of 1951 so as to extend to employees of State agricultural stabilization and conservation service committees credit for annual and sick leave purposes for service performed as employees of county agricultural stabilization and conservation service committees.

By Mr. Young of North Dakota

JANUARY 11, 1967

Read twice and referred to the Committee on Post
Office and Civil Service

90TH CONGRESS
1ST SESSION

S. 1028

IN THE SENATE OF THE UNITED STATES

FEBRUARY 20, 1967

Mr. MONRONEY introduced the following bill; which was read twice and referred to the Committee on Post Office and Civil Service

A BILL

To extend certain benefits of the Annual and Sick Leave Act, the Veterans' Preference Act, and the Classification Act to employees of county committees established pursuant to section 8 (b) of the Soil Conservation and Domestic Allotment Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 802 of the Classification Act of 1949, as
4 amended (5 U.S.C. 1132), is amended by adding at the
5 end thereof the following new subsection:

6 “(e) An employee of a county committee established
7 pursuant to section 8 (b) of the Soil Conservation and Do-
8 mestic Allotment Act (16 U.S.C. 590h (b)) may upon ap-

1 pointment to a position under the Department of Agriculture,
2 subject to this Act, have his initial rate of compensation fixed
3 at the minimum rate of the appropriate grade, or at any step
4 of such grade that does not exceed the highest previous rate
5 of compensation received by him during service with such
6 county committee."

7 SEC. 2. The Annual and Sick Leave Act of 1951 (65
8 Stat. 679-683), as amended (5 U.S.C. 2061 and follow-
9 ing), is amended by adding at the end thereof the following
10 new section:

11 "SEC. 210. Service rendered as an employee of a county
12 committee established pursuant to section 8 (b) of the Soil
13 Conservation and Domestic Allotment Act (16 U.S.C.
14 590h (b)), or of a committee or an association of producers
15 described in section 10 (b) of the Agricultural Adjustment
16 Act of May 12, 1933 (48 Stat. 37), shall be included in
17 determining years of service for the purpose of section
18 203 (a) of this Act in the case of any officer or employee
19 so long as such officer or employee holds an office or position
20 under the Department of Agriculture. The provisions of
21 section 205 (e) of this Act for transfer of annual and sick
22 leave between leave systems shall apply to the leave system
23 established for such employees."

24 SEC. 3. Section 12 (a) of the Veterans' Preference Act
25 of 1944 (5 U.S.C. 861 (a)) is amended by inserting before

1 the period at the end thereof the following: "*And provided*
2 *further*, That in computing length of total service, credit
3 shall be given for service rendered as an employee of a
4 county committee established pursuant to section 8 (b) of
5 the Soil Conservation and Domestic Allotment Act (16
6 U.S.C. 590h (b)), or of a committee or an association of
7 producers described in section 10 (b) of the Agricultural
8 Adjustment Act of May 12, 1933 (48 Stat. 37) , in the case
9 of any employee so long as such employee holds a position
10 under the Department of Agriculture".

A BILL

To extend certain benefits of the Annual and Sick Leave Act, the Veterans' Preference Act, and the Classification Act to employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes.

By Mr. MONRONEY

FEBRUARY 20, 1967

Read twice and referred to the Committee on Post
Office and Civil Service

Yarborough bill and the statement with relation to it.

PROHIBITION OF THE SALE OR SHIPMENT FOR USE IN THE UNITED STATES OF THE CHEMICAL COMPOUND KNOWN AS DDT

Mr. NELSON. Mr. President, I introduce, for appropriate reference, a bill to prohibit the sale or shipment for use of DDT in this country.

I am appalled by the widespread, unregulated use of highly toxic pesticides such as DDT. DDT is spreading all over the globe. It is in our soil, in our water, in reindeer in Alaska and penguins in the Antarctic.

DDT is one of the most persistent—remaining toxic for 10 years or more after application—of more than 60,000 chemical preparations now registered by the Federal Government.

A second, and perhaps more dangerous, characteristic of DDT is that it is accumulated by certain animals in their bodies in amounts far greater than those of the flora and fauna on which they feed. The effects of this concentration of DDT—including lowered reproduction, reduced numbers of normal offspring, and sudden death of the organism under stress—mark DDT as a most serious environmental threat.

DDT was first used in the 1940's to control mosquitos, flies and other disease carriers. Strains resistant to this pesticide soon developed and its effectiveness was thus reduced. DDT also was used on farm and forest land insects but some of these also developed resistance.

Because of the hazards involved, the Wisconsin Conservation Department and the Forest Service have stopped spraying their forests with DDT. Many communities have begun using substitutes for DDT in their battle against pests, particularly the Dutch Elm beetle. But some communities are still fogging DDT all over the landscape. This ought to stop immediately.

DDT is used in large quantities in this country because it is cheap and easy to apply. But the point is also that good substitutes are available. We can drop DDT right now and use other pesticides to do the same job. Many of the substitutes available are more expensive than DDT, but when our health and well-being are at stake, money should be no object.

This proposal to ban the use of DDT is based on innumerable scientific studies which have been carried on over the years and which have demonstrated the hazards of its use. Studies in Wisconsin have shown concentrations of DDT in muskies, bass, walleyes, and other game fish from inland waters as well as in various kinds of fish in Lake Michigan.

A recent study in California concluded that DDT is now widely distributed throughout the Pacific Basin and that comparatively high residue levels are present in marine birds. The oceans are assuming increased importance as a source of human food and we are filling them with residues of persistent pesticides like DDT.

It is not necessary to report all the studies that have shown the harmful

effects of DDT. The facts are clear—we have succeeded in the 20-odd years since DDT has been on the market in polluting our environment with it. We have seriously polluted in 20 years an environment which was unpolluted for billions of years.

Banning DDT alone is not the answer to the pesticide problem. Pesticides are obviously of great value to a lot of people. On the other hand, the continuing, unregulated use of pesticides will inevitably be harmful to a lot of people.

This bill would have no effect on thousands of widely used and less persistent pesticides. In order to avoid further problems with pesticides, a national commission should be set to study all pesticides and to establish strict regulations governing their use.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1025) to prohibit the sale or shipment for use in the United States of the chemical compound known as DDT, introduced by Mr. NELSON was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

EXTENSION OF CERTAIN BENEFITS OF THE ANNUAL AND SICK LEAVE ACT TO CERTAIN EMPLOYEES

Mr. MONRONEY. Mr. President, I send to the desk, for appropriate reference, a bill to extend certain benefits of the Annual and Sick Leave Act, the Veterans' Preference Act, and the Classification Act to employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act.

This bill would recognize periods of employment service in the county offices of the Agricultural Stabilization and Conservation Service for the purposes of salary adjustment, annual and sick leave, and reductions in force for county office employees who are appointed to positions as Federal employees in the Department of Agriculture.

Employees in the county offices of the ASCS are not technically Federal employees. They share an extremely close relationship to the Federal Government, however. Their salaries are paid entirely out of Federal funds, and in recent years Congress has extended to these employees the benefits of the Civil Service Retirement Act, the Federal Employees' Group Life Insurance Act, the Federal Employees Health Benefits Act and, the Severance Pay Act.

Under present law, when an employee of a county committee is appointed to a position in the Department of Agriculture, he begins his Federal service at the minimum rate of the appropriate grade of the general schedule, regardless of the number of years he may have served in a county office or the degree of experience he has attained. He accumulates annual leave on the basis of a beginning employee and for the purposes of determining seniority for a reduction in force, his ASCS service is not considered. There is, therefore, little incentive at the present time for this employee to accept a position in the Department of Agri-

culture when he knows that the only difference insofar as employee benefits are concerned is that his salary may be reduced and his seniority abolished.

I believe that enactment of this legislation would be of great assistance to the Department of Agriculture in its recruitment of experienced, qualified persons now serving in the ASCS county offices.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1028) to extend certain benefits of the Annual and Sick Leave Act, the Veterans' Preference Act, and the Classification Act to employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes, introduced by Mr. MONRONEY, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

CHANGES IN STATUTES RELATING TO CIVILIAN PERSONNEL SERVING ABOARD

Mr. FULBRIGHT. Mr. President, I introduce, by request, a bill to make several changes in statutes relating to civilian personnel serving abroad. These provisions are identical to those in S. 3247, which passed the Senate on October 5, 1966, but which failed to pass the House of Representatives before adjournment.

These personnel provisions, commonly referred to as the Vietnam amendments, are designed to provide certain benefits to personnel serving in hazardous areas, such as Vietnam. I hope that it will be possible for the Committee on Foreign Relations to take early action on the legislation.

I ask unanimous consent to have printed at this point in the RECORD the text of the bill, an explanation of it, and a tabulation of the estimated cost for the first year's operation of the bill's provisions.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, explanation, and tabulation will be printed in the RECORD.

The bill (S. 1029) to improve certain benefits for employees who serve in high-risk situations, and for other purposes, introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. 1029

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 911 of the Foreign Service Act of 1946, as amended, (22 U.S.C. 1136), is amended by striking out the period at the end of the paragraph (10) and inserting in lieu thereof a semicolon and by adding at the end thereof the following new paragraph:

"(11) travel and related expenses, without regard to the provisions of this or any other law, whenever he determines that extraordinary conditions, or circumstances involving personal hardship, warrant the payment of such expenses incident to appointment, service, or separation of officers or employees of the Service, including any such expenses of the members of their families."

Part E—Medical services

Proposed legislation

Existing legislation

No existing legislation.

Sec. 944. Under such regulations as he may prescribe, the Secretary is authorized to provide medical services under part E of this title beyond the date of death or separation of an officer or employee.

It is proposed that there be added to Part E of Title IX a new section to be designated section 944.

The new section would authorize the Secretary to continue medical benefits under part E of title IX (medical services) for officers and employees beyond the date of separation and for dependents beyond the date of the death or separation of an officer or employee whenever it is considered in the public interest to do so. Under existing authority medical benefits for officers and employees cannot be continued beyond the date of separation from the Service and dependent benefits cease automatically at the time the employee dies or is separated from the Service. There have been a few in-

Subchapter II of Chapter 63 of Title 5, U.S. Code.

Existing legislation

No existing legislation.

Proposed legislation

(a) Subchapter II of chapter 63 of title 5, United States Code (which relates to leave), is amended by adding at the end thereof the following new section:

"6325. Absence resulting from hostile activity

"No leave shall be charged to the account of any officer or employee for absence, not to exceed one year, due to any injury or illness incurred while serving abroad and resulting from hostile activity or clearly caused by the fact that the officer or employee was located abroad."

(b) The analysis at the beginning of such subchapter is amended by adding the following item at the end thereof:

"6325 Absence resulting from hostile activity."

(c) The amendment made by subsection (a) of this section shall take effect as of the first day of the first pay period which began on or after January 1, 1965.

violence and unavoidable involvement in wars, guerrilla and militant insurgent situations, or localized hostile mob actions. Similarly, it will protect the employee's earning power in those situations where prolonged disability results from illness which can be attributed solely to the fact that he was serving abroad and which would not have occurred had he remained in the United States. Personnel serving abroad particularly in the tropics are exposed to a wide range of disabling and disfiguring diseases. The authority granted by this section will

(b) The analysis at the beginning of such chapter is amended by adding the following item at the end thereof:

"6325. Absence resulting from hostile activity."

(c) The amendment made by subsection (a) of this section shall take effect as of the first day of the first pay period which began on or after January 1, 1965.

Sec. 4. Section 5925 of title 5, United States Code (which relates to post differentials) is amended by inserting immediately before the period at the end thereof the following: "except that in a foreign area where there is unusual danger of injury due to hostile activity such additional compensation shall not exceed 50 per centum."

The explanation and tabulation presented by Mr. FULBRIGHT are as follows:

FOREIGN SERVICE ACT OF 1946, AS AMENDED

TITLE IX—ALLOWANCES AND BENEFITS

Part B—Travel and related expenses

General Provisions

Existing legislation

Sec. 911. (10) the travel expenses of members of the family accompanying, preceding, or following an officer or employee if, while he is en route to his post of assignment, he is ordered temporarily for orientation and training or is given other temporary duty [.]

Proposed legislation

Sec. 911. (10) the travel expenses of members of the family accompanying, preceding, or following an officer or employee if, while he is en route to his post of assignment, he is ordered temporarily for orientation and training or is given other temporary duty:

(11) travel and related expenses, without regard to the provisions of this or any other law, whenever he determines that extraordinary conditions, or circumstances involving personal hardship, warrant the payment of such expenses incident to appointment, service, or separation of officers or employees of the Service, including any such expenses of the members of their families.

of an officer or employee or of members of his family who may die in the Service either in the United States or abroad. In addition the provision will clearly provide authority for the Secretary to permit travel for visits between the employee and members of his family in situations where the family is proscribed from accompanying the employee to his post because of danger from hostile activity.

The phrase "without regard to the provisions of this or any other law" has been included to eliminate certain confusion which has existed with respect to the Secretary's authority under this section to prescribe Foreign Service travel regulations as such authority relates to the Administrative Expenses Act of 1946 and to the Travel Expense Act of 1949. It is not included to permit the circumvention of provisions of law regarding the use of American-flag ships or of American-flag aircraft.

Sec. 2. Immediately after section 943 of such Act add the following new section:

"Sec. 944. Under such regulations as he may prescribe, the Secretary is authorized to provide medical services under part E of this title beyond the date of death or separation of an officer or employee."

Sec. 3. (a) Subchapter II of chapter 63 of title 5, United States Code (which relates to leave), is amended by adding at the end thereof the following new section:

"6325. Absence resulting from hostile activity

"No leave shall be charged to the account of any officer or employee for absence, not to exceed one year, due to any injury or illness incurred while serving abroad and resulting from hostile activity or clearly caused by the fact that the officer or employee was located abroad."

90TH CONGRESS
1ST SESSION

H. R. 6299

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 1967

Mr. UDALL introduced the following bill; which was referred to the Committee on Post Office and Civil Service

A BILL

To extend certain pay, leave, and retention preference benefits under title 5, United States Code, to employees of the agricultural county committees, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That section 5334 of title 5, United States Code, is amended
4 by adding at the end thereof the following new subsection:

5 “(f) An individual employed by a county committee
6 established under section 590h(b) of title 16 may, upon
7 appointment to a position under this subchapter and chapter
8 51 of this title, have his initial rate of basic pay fixed—

9 “(1) at the minimum rate of the appropriate
10 grade; or

1 “(2) at a step of the appropriate grade which does
2 not exceed the highest previous rate of pay received by
3 him during service with the county committee.”.

4 SEC. 2. Section 6308 of title 5, United States Code, is
5 amended by inserting immediately after “The annual and
6 sick leave to the credit of an employee who transfers between
7 positions under different leave systems without a break in
8 service” the following: “(including the annual and sick leave
9 to the credit of an individual employed by a county com-
10 mittee established under section 590h (b) of title 16 who
11 transfers without a break in service to a position to which
12 this subchapter applies) ”.

13 SEC. 3. Section 3502 (a) of title 5, United States Code,
14 is amended by adding at the end thereof the following sen-
15 tence: “In addition, in computing length of service, a com-
16 peting employee is entitled to credit for service performed
17 before July 10, 1960, as an employee of a county committee
18 established under section 590h (b) of title 16 or of a com-
19 mittee or an association of producers described by section
20 610 (b) of title 7.”.

A BILL

To extend certain pay, leave, and retention preference benefits under title 5, United States Code, to employees of the agricultural county committees, and for other purposes.

By Mr. UDALL

FEBRUARY 28, 1967

Referred to the Committee on Post Office and Civil
Service

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
FOR INFORMATION ONLY;
(NOT TO BE QUOTED OR CITED)

Issued May 4, 1967
For actions of May 3, 1967
90th-1st; No. 69

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HIGHLIGHTS: House passed supplemental appropriation bill. House committee reported bills to remove 5-acre limit on tobacco acreage and to transfer tobacco acreage allotments. Senate committee voted to report bill authorizing Federal grants to improve rural life. Rep. May introduced and discussed food reserve bill.

SENATE

1. PLANNING. The Agriculture and Forestry Committee ordered reported with amendment (but did not actually report) S. 645, to authorize Federal grants to better coordinate the planning of programs to improve rural life. p. D349
2. FORESTRY. The Agriculture and Forestry Committee ordered reported with amendments (but did not actually report) S. 1136, authorizing funds for continuing surveys of timber and other forest resources. p. D349

Sen. Jordan, Idaho, discussed and inserted an article on a program to rehabilitate handicapped young men while restoring a devastated forest in Idaho. pp. S6241-2

3. SBA LOANS. Sen. Sparkman discussed and inserted a speech on the SBA bank participation and bank guarantee loan programs and stated that these programs "offer excellent opportunities for small local banks to provide the money small concerns in their communities need to expand and to contribute to the national economy." pp. S6248-9
4. PARITY INDEX. Sen. McGovern commended this Department for issuing a monthly adjusted parity ratio index in addition to the regular annual index. p. S6267
5. TRUTH-IN-LENDING. Sen. Proxmire inserted a report from the Treasury Department in support of S. 5, the truth-in-lending bill. p. S6268
6. TAXATION. Continued debate on H. R. 6950, to restore investment tax credit and allowance of accelerated depreciation in the case of certain real property. pp. S6276-89
7. RECLAMATION. Received from the Idaho Legislature a resolution urging Congress to give early approval in authorizing funds for the construction of the Teton Basin, Lower Teton Division, Idaho. p. S6224
8. COSPONSORS. Sen. Hollings' name was added as a cosponsor to S. 1028, to extend certain benefits of the Annual and Sick Leave Act, the Veterans Preference Act, and the Classification Act to employees of county ASC committees. p. S6240

HOUSE

9. SUPPLEMENTAL APPROPRIATION BILL. Passed, 391-6, with amendment H. R. 9481, which includes several USDA items as noted in Digest 61. pp. H4982-99
10. TOBACCO. The Agriculture Committee reported H. R. 5702, to remove the 5-acre limitation on the amount of tobacco allotment acreage which may be leased (H. Rept. 224), and H. R. 8265, with amendment, to authorize the transfer of tobacco acreage allotments and acreage-poundage quotas (H. Rept. 225). p. H5065
11. ECONOMY. Rep. Patman stated unless the Federal Reserve does what is "necessary to roll back interest rates" it may create a "full-blown recession in the midst of a wartime economy," and inserted an article on the subject. pp. H4999-5000
12. POVERTY. Rep. Steed inserted two editorials commending the community action programs and their role in the poverty program. pp. H5039-40
Rep. Boland commended and inserted an article, "Model Cities Bill Offers Hope." p. H5039
13. CONSERVATION. Rep. Gerald Ford commended the efforts of the National Association of Soil and Water Conservation Districts and others who are laboring to conserve our natural resources. pp. H5002-3
14. FARM INCOME. Rep. Zwach stated that the overwhelming comment on a questionnaire he sent out concerned farm income (p. H5003), and Rep. Langen said "the latest

tal number of registered voters or 5,000 such voters, whichever is less.

The delegate would be elected by the voters of the District of Columbia in a general election, usually after first winning a primary election. Provision would be made for a runoff election if no one candidate in a primary election received as much as 40 percent of the total vote of his party in that primary. Provision would also be made for a runoff election in the general election for delegate in the event that no one candidate received as much as 40 percent of the total vote cast for all candidates in that election. This could occur in cases where more than two parties qualify to hold primaries, or where additional candidates are nominated by petition. The candidates in any runoff election would be the two persons who had received the most votes in such primary or general election.

In addition, the bill would provide a delegate with compensation and other benefits which are granted by law to Members of Congress. At the same time it would subject a delegate to the same restrictions and regulations as Members of Congress.

The bill would also make a number of technical and other changes in the District Election Act and related laws. These changes would modernize and improve the election machinery. They would make it more responsive to the needs of the community. They would also provide a transition to the electoral system which will be needed when the District is granted voting representation in the Congress.

As the President stated in his message on the Nation's Capital:

"A delegate from the District in the House of Representatives would be of benefit to both the Congress and the District in providing a more adequate line of communication on District matters. A collateral benefit would be the opportunity for District citizens, through the experience of biennial elections, to develop additional local leadership and more effective political organizations responsive to the citizens who live here."

We urge early consideration and action on this proposed legislation.

Sincerely,

CHARLES L. SCHULTZE,
Director.

VOTING REPRESENTATION IN CONGRESS FOR THE DISTRICT OF COLUMBIA

Mr. BAYH. Mr. President, today marks the 165th anniversary of the city of Washington, D.C. I have chosen this historic occasion to introduce, for appropriate reference, a joint resolution proposing an amendment to the Constitution providing for voting representation from the District of Columbia in Congress.

My joint resolution, which I am presenting at the request of the administration, would implement the President's recommendation in his message to Congress that the Constitution be amended to provide for one Representative from the District of Columbia in the House of Representatives; and such additional representation in the House, and the Senate as Congress may from time to time prescribe by law.

This is without doubt a most essential step to effective and meaningful representation for 800,000 residents of the District who are still governed by Congress. It is consistent with the 23d amendment to the Constitution, which provided for participation by the voters of the District in the election of the President and Vice President. In my judgment, it is a measure long overdue.

This measure rests wholly on the equitable principle that the citizens of the District should have the same privilege, in fact the right, enjoyed by citizens of the 50 States, to be governed by laws voted on by a representative of their own choice. It would not make the District of Columbia a State, it would not give it the sovereign powers of a State, or constitute a foundation for statehood. It would merely give citizens of the United States living in the District of Columbia a voting voice in Congress—the body which helps establish national policy as well as serves as the city council for the Nation's Capital.

Briefly, this is what my proposal would do:

Section 1 would assure the District of one voting Representative in the House of Representatives. Section 1, moreover, would authorize Congress to extend that representation in either or both Houses of Congress, up to the representation to which the District would be entitled if it were a State.

Section 2 would empower Congress to enforce this article by appropriate legislation. Thus, under both sections 1 and 2, adjustments of the representation for the District could be made by Congress to keep pace with population changes, and Congress could also make other necessary changes in related laws.

Section 3 makes the article inapplicable to the provision in the 23rd amendment for determining the number of electors for President and Vice President to be appointed for the District. Accordingly, regardless of changes made in the size of the District's congressional representation as authorized by this measure, the District's minimum electoral vote in Presidential elections would be left intact. If changes are to be made in the District's influence in Presidential elections, it seems to me more desirable that they be effected as an integral part of reform in the electoral college system.

Congress does not, and should not, lightly invoke the process of constitutional amendment. But it is most incongruous, to say the least, that the citizens residing in the Federal district constituting the seat of government—one which ought to represent a model for the world to follow—should be denied the basic right of government—voting representation in Congress.

I note and welcome the broad and active community interest in this measure. I call particular attention to the consideration being given this matter by the distinguished chairman of the House Judiciary Committee, Representative EMANUEL CELLER, and urge my colleagues in the Senate to give this matter earnest consideration and favorable action.

I ask unanimous consent that the joint resolution be appropriately referred and printed in the RECORD.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S. J. Res. 80) to amend the Constitution to provide for representation of the District of Columbia in the Congress, introduced by Mr.

BAYH, for himself, Mr. TYDINGS, Mr. KENNEDY of Massachusetts, Mr. SCOTT, and Mr. DODD, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 80

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. The people of the District constituting the seat of Government of the United States shall elect at least one Representative in Congress and, as may be provided by law, one or more additional Representatives or Senators, or both, up to the number to which the District would be entitled if it were a State.

"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

"SEC. 3. This article shall have no effect on the provision made in the Twenty-third article of amendment to the Constitution for determining the number of electors for President and Vice President to be appointed for the District."

RESOLUTION EXPRESSING DISAPPROVAL OF REORGANIZATION PLAN NO. 2

Mr. BAKER. Mr. President, I submit, for appropriate reference, a resolution expressing disapproval of Reorganization Plan No. 2 transmitted to the Congress by the President on March 9, 1967.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution (S. Res. 114) was referred to the Committee on Government Operations, as follows:

Resolved, That the Senate does not favor the Reorganization Plan Numbered 2 transmitted to the Congress by the President on March 9, 1967.

Mr. BAKER. Mr. President, the President's plan would transfer to the Chairman of the Tariff Commission a number of functions—described as "routine"—which are performed today by the six-man Commission acting as a group.

These functions include: First, hiring and firing of Commission personnel; second, distribution of the workload; third, direction of supervisory, and other Commission personnel; fourth, communication of Tariff Commission policies personnel are to follow; fifth, overall management, functioning, and organization of the Commission and its staff; sixth, functions of the Commission under the Budget and Accounting Act of 1921; seventh, allocation, use, and expenditure of Commission funds; and eighth, calling of special sessions of the Commission.

Testimony at hearings on the plan conducted this morning by the Executive Reorganization Subcommittee of the Committee on Government Operations reflected dissension within the Tariff Commission itself on the merits of the proposed reorganization. The two dis-

sending Commissioners believe that the functions proposed to be transferred are substantive, not routine, and that strengthening the role of the Chairman could diminish the Commission's traditional independence and objectivity and thus lessen its value to the Congress and to the President.

There seems to be general agreement that the Tariff Commission is in need of some improvement in the area of administrative efficiency, and I, of course, would encourage such efforts. But I fear that the plan's zeal to accomplish administrative efficiency would also radically change the character of the Commission, jeopardize its traditional independence, and create the possibility that it might become a ward of the executive branch. I believe that this is an example of the use of "overkill," of the use of too much effort to accomplish a limited purpose. The results of such a reorganization would, on balance, do much more harm than good.

I should point out, Mr. President, that the Committee on Government Operations and the Senate itself must act almost immediately on this plan if we are to have the opportunity to act at all. Unless one House of Congress rejects the proposed reorganization plan by May 19, 1967, it becomes effective on that date. In the House of Representatives, I am told that the Committee on Government Operations has in effect recommended that the reorganization plan be approved. It appears, then, that any initiative to kill the plan will have to come from this body.

Finally, I want to emphasize that my opposition to this particular plan should not be interpreted as blind opposition to any reorganization of the Tariff Commission. Improvements in administrative efficiency, in particular, may be very much in order. But that may, and perhaps most properly should, be accomplished through legislation specifically directed to the subject.

GENERAL REVISION OF THE PATENT LAW—AMENDMENTS

AMENDMENTS NOS. 182 THROUGH 186

Mr. LONG of Missouri. Mr. President, a number of suggested amendments to S. 1042, the general patent law revision bill, have been brought to my attention. While I claim no expertise in the patent law field, I have discussed these amendments with persons who are quite knowledgeable in the field and am convinced they raise responsible issues that deserve full exploration and discussion during Senate consideration of this legislation. None of these amendments affect the basic objectives of the bill.

The first amendment establishes a 6-month grace period for filing a complete patent application after public disclosure. Under current law, there is a 1-year grace period, but under the bill it is totally eliminated.

The next amendment spells out the nature of the property right in a patent, particularly with respect to licensing.

The next amendment strengthens the protection of a patent against imported

items by making it an infringement whether or not the process could be patented in the exporting country.

The fourth amendment would provide a highly restricted form of "prior user rights." Because the first to file rather than the first to invent is now entitled to a patent, such protection may be advisable to insure equity.

The last amendment would allow a more liberal continuation-in-part practice.

As I indicated earlier, I am not at this time committed to any of these amendments. However, I believe they are worthy of full consideration. It should be noted that two of these amendments are contained in the recommendations of the President's Commission on the Patent System.

Mr. President, I send the five amendments to the desk for appropriate reference and ask that they be printed.

The PRESIDING OFFICER. The amendments will be received, printed, and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSOR OF BILL

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Oklahoma [Mr. MONRONEY], I ask unanimous consent that, at the next printing of the bill (S. 1028) to extend certain benefits of the Annual and Sick Leave Act, the Veterans' Preference Act, and the Classification Act to employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes, introduced by the Senator from Oklahoma [Mr. MONRONEY], the name of the junior Senator from South Carolina [Mr. HOLLINGS] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIBLE. Mr. President, I ask unanimous consent that, at the next printing of my bill, S. 1626, which would prohibit the desecration or improper use of our country's flag, the name of the Senator from New York [Mr. KENNEDY] be added as cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEARINGS ON RETIREMENT AND THE INDIVIDUAL

Mr. MONDALE. Mr. President, earlier this year the Senate Special Committee on Aging under the leadership of its able and distinguished chairman, Senator WILLIAMS of New Jersey, established a Subcommittee on Retirement and the Individual. Its assignment, as expressed in the official description of its jurisdiction, is "to inquire into and report on the institution of retirement and its impact on the individual, especially as regards the problems of adjusting to a new role in life and his need for meaning and fulfillment in the retirement years." The subcommittee will concentrate its attention on such areas as the present and future dimensions and nature of retirement, the consequences of trends toward earlier retirement and

longer life, the effect of attitudes toward retirement and older people in general, psychological and social problems involved in the loss of job and job status, and ways of promoting constructive and meaningful use of free time.

To begin its work, the subcommittee will conduct a survey hearing on May 22 and 23 in Washington, D.C. Main purposes of this hearing will be to gather information on retirement as it is now and as it will probably become and to pinpoint major problem areas or themes that should be developed by the subcommittee.

As chairman of the subcommittee, I am happy to report that establishment of this new subcommittee has stirred much friendly interest both within and outside of Government. And I and my fellow members of the subcommittee—Senators EDWARD LONG, EDWARD KENNEDY, YOUNG of Ohio, YARBOROUGH, PROUTY, FONG, and MILLER—are looking forward to a most informative and productive hearing.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1630. An act for the relief of Rose Minutillo;

H.R. 4064. An act for the relief of Agnes C. Stowe; and

H.R. 6133. An act to authorize appropriations for the saline water conversion program, to expand the program, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 1630. An act for the relief of Rose Minutillo;

H.R. 4064. An act for the relief of Agnes C. Stowe; to the Committee on the Judiciary.

H.R. 6133. An act to authorize appropriations for the saline water conversion program, to expand the program, and for other purposes; to the Committee on Interior and Insular Affairs.

WILL OF THE SENATE

Mr. WILLIAMS of Delaware. Mr. President, in today's issue of the Washington Post appears an editorial recommending that the Senate proceed to dispose of the 7-percent investment credit bill. As this editorial points out, the Senate has expressed its opinion that the decision of the Senate to repeal the Presidential Campaign Act should be sustained.

I ask unanimous consent that this editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WILL OF THE SENATE

The Senate's vote yesterday for repeal of the Long campaign-financing act could be interpreted as a bid for chaos. Senator Long had pointedly warned his colleagues that if

with development of marine resources. pp. S8577-81

15. NATIONAL PARK. Sen. Moss inserted an editorial in support of his bill to expand the Canyonlands National Park. p. S8586
16. MANAGEMENT. Sen. Scott inserted his speech "The Challenge to Systems Management" which deals with efforts to obtain a solution to national and community problems in the nondefense sector. pp. S8581-3
17. PERSONNEL. The Post Office and Civil Service Committee ordered favorably reported (but did not actually report) with amendment S. 271, to provide additional group life insurance for Government employees; and without amendment S. 1028, extending salary and leave benefits to employees of ASC committees. p. D512
18. RECREATION. Sen. Hatfield inserted a resolution from the Ore. Legislature urging Congress to enact legislation placing the Oregon Dunes National Recreation Area under the Forest Service. p. S8599
19. FORESTRY. Received from the Ore. Legislature a resolution urging Congress to cause a study to be made of practices and policies of federal agencies regulating the allowable harvest of timber on federal lands administered by such agencies. pp. S8557, S8586-7
20. PUBLIC LANDS. Sens. Allott, Hansen, and Morse were added as cosponsors to S. 1935, to require an act of Congress for public land withdrawals in excess of 5,000 acres in the aggregate for any facility of the Government. p. S8562
Sen. Hatfield inserted a resolution from the Ore. Legislature urging the "Public Land Law Review Commission to give priority to its studies of federal-state land exchanges so that recommendations may be framed by it with regard to this urgent problem at the earliest date," pp. S8589-90
21. LOANS. S. 1971, to amend the Consolidated Farmers Home Administration Act of 1961, to authorize loans to certain cooperatives serving farmers and rural residents, was rereferred to the Agriculture and Forestry Comm. p. S8562

BILLS INTRODUCED

22. PERSONNEL. H. R. 11056 by Rep. Fulton, Pa., to provide for the adjustment of annuities payable from the civil service retirement and disability fund; to Post Office and Civil Service Committee.
H. R. 11057 by Rep. Fulton, Pa., to equalize civil service retirement annuities; to Post Office and Civil Service Committee.
23. FIRES. S. 1978 by Sen. Hatfield, to authorize the Secretary of Agriculture to cooperate with the States in providing for the prevention and suppression of structural and wild fires in rural areas; to Agriculture and Forestry Committee.
24. MINK IMPORTS. H. R. 11062 by Rep. Whalley, to amend the tariff schedules of the United States with respect to the rate of duty on whole skins of mink, whether or not dressed; to Ways and Means Committee.
25. BUILDINGS. H. R. 11063 by Rep. Wilson, to insure that public buildings financed with Federal funds are so designed and constructed as to be accessible to the

physically handicapped; to Public Works Committee.

26. ELECTRIFICATION. H. R. 11069 by Rep. Long, Md., to amend the Federal Power Act to facilitate the provision of reliable, abundant, and economical electric power supply by strengthening existing mechanisms for coordination of electric utility systems and encouraging the installation and use of the products of advancing technology with due regard for the proper conservation of scenic and other natural resources; to Interstate and Foreign Commerce Committee.
27. RECREATION. H. R. 11070 by Rep. O'Neill, Mass., to establish a Redwood National Park in the State of California; to Interior and Insular Affairs Committee.
28. POVERTY. H. R. 11072 by Rep. Pepper, to amend the Economic Opportunity Act of 1964 to authorize community action agencies to expend their funds to construct illumination systems for public recreational areas; to Education and Labor Committee. Remarks of author p. H7655
29. WILDLIFE. H. R. 11076 by Rep. Kupferman, to authorize the Secretary of the Interior in cooperation with the States to preserve, protect, develop, restore, and make accessible estuarine areas of the Nation which are valuable for sport and commercial fishing, wildlife conservation, recreation, and scenic beauty; to Merchant Marine and Fisheries Committee. Remarks of author pp. H7641-2

PRINTED HEARINGS RECEIVED BY THIS OFFICE

30. APPROPRIATIONS. Public works appropriations for 1968. Parts 1 and 3. H. Appropriations Committee.
31. POVERTY. Examination of the war on poverty. Part 1. S. Labor and Public Welfare.
32. AIR POLLUTION. Air pollution--1967. Part 1: automotive air pollution. Part 2: Air Quality Act. S. Public Works Committee.
Problems of air pollution in the Dist. of Columbia. S. Dist. of Columbia Committee.
33. CONTRACTS; PURCHASING. Government policy and practice with respect to contracts for technical services. S. Government Operations Committee.
34. RESEARCH; COMMITTEE. S. Res. 68, establish a Select Committee on Technology and the Human Environment. S. Government Operations Committee.
35. INTERGOVERNMENTAL RELATIONS. S. 699 and S. 1485, proposed Intergovernmental Personnel Act of 1967 and proposed Intergovernmental Manpower Act of 1967. S. Government Operations Committee.

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COMMITTEE HEARINGS JUNE 22:

Transfer peanut acreage allotments, H. Agriculture (Cox, ASCS, to testify); Effect of "Great Society" programs on rural America, H. Agriculture.; Poverty program, S. Labor and Public Welfare and H. Education and Labor; Pay bill, H. Civil Service.

24. FOREIGN TRADE. Rep. Boggs announced that the Foreign Economic Policy Subcommittee of the Joint Economic Committee is scheduling an initial set of hearings in mid-July on the future of U. S. trade policy, and invited interested parties to present their views in writing to the subcommittee. p. H8121
25. ECONOMY. Rep. Curtis inserted a speech by a University of Chicago economics professor "Permanent Prosperity Through Permanent Deficits: The New Mythology of the New Economics," which he stated provides us with "particularly revealing lessons." pp. H8109-11
26. AIR POLLUTION. Rep. Reid urged favorable congressional consideration of proposed legislation to implement the Mid-Atlantic States Air Pollution Compact. p. H8101

ITEMS IN APPENDIX

27. MANPOWER. Extension of remarks of Sen. Metcalf commending the manpower development and training program and inserting excerpts from letters from MDTA trainees p. A3261
28. POLLUTION. Extension of remarks of Rep. Zablocki urging action on his bill to provide for the control of the alewife in the Great Lakes and inserting articles on the subject. pp. A3263-4
29. ALLIANCE FOR PROGRESS. Extension of remarks of Rep. Hanna commending and inserting a speech, "Institution-Building and the Alliance for Progress." pp. A3265-7
30. GARDEN CLUBS. Extension of remarks of Sen. Randolph commending and inserting a speech by Mrs. Orville Freeman before the West Virginia Garden Clubs convention. pp. A3282-3
31. RECREATION. Extension of remarks by Sen. Randolph commending and inserting a press release announcing 195 new recreation sites, and a speech by Assistant Secretary Baker to the National Recreation and Park Association. pp. A3285-6
32. DEBT LIMIT. Rep. Burke, Fla., inserted an editorial, "Congress Grandstands and Raises Debt Limit." pp. A3288-9
Extension of remarks of Rep. Wolff reviewing his reasons for voting against the proposed raise in the permanent national debt. pp. A3293-4
33. POLITICAL ACTIVITY. Rep. Multer commended and inserted an article, "AFL-CIO Urges Government To Ease Political Curbs on Employees." p. A3294
34. FOREIGN AID. Rep. Derwinski inserted an article, "Foreign Aid Exposed as Glaring Failure." p. A3295
35. ELECTRIFICATION. Rep. Ullman inserted a prize winning essay, "What Does Local Ownership of Rural Electric Cooperatives Mean to Our Community." p. A3303
36. FOREIGN TRADE. Rep. Dorn inserted correspondence between the president of a S. C. textile mill and a member of a N. Y. survey firm relative to the link between exports of coffee from coffee producing countries and their ability to purchase U. S. goods, which indicates that those countries receive a small quota of American textile exports. pp. A3305-6

13. PERSONNEL. The Post Office and Civil Service Committee reported with amendments S. 271, to provide additional group life insurance and accidental death and dismemberment insurance for Federal employees (S. Rept. 364); and S. 1028, to extend certain benefits to employees of ASC county committees (S. Rept. 365). p. S8909

14. LOANS. Sen. Hollings inserted a resolution from the S. C. Legislature requesting the Secretary of Agriculture "to require notice of indebtedness to certain Federal agencies to be noted on tobacco marketing cards." pp. S8908-9

15. PROPERTY. ^{Both Houses} Received from GSA a draft bill to amend the Federal Property and Administrative Services Act of 1949 to provide authorization for crediting the buildings management fund with receipts received from concessionaires to reimburse the Government for its costs in furnishing cafeteria equipment; to Government Operations Committees. pp. S8908 and H8142

16. COSPONSORS. The following Senators were added as cosponsors to various bills; Sens. Kuchel, Murphy, and Hruska to S. 1947, to expand the definition of deductible moving expenses incurred by an employee; Sen. Fannin to S. 1975, to bar importation of extra-long staple cotton from any country that has severed relations with the U. S.; Sen. McClellan to S. 1796, to impose quotas on the importation of certain textile articles; and Sen. Dodd to S. 1985, to provide for a national program of flood insurance. pp. S8914-5

HOUSE

17. ELECTRIFICATION. The Agriculture Committee reported H. R. 10190, to amend the Rural Electrification Act of 1936, as amended, to provide additional sources of financing for the rural electrification and rural telephone programs (H. Rept. 459). p. H8143

Rep. Shipley inserted an Illinois student's essay, "What the Shelby Electric Cooperative Means to my Community. pp. H8128-9

18. RESEARCH. Continued debate on H. R. 10340, the NASA appropriation authorization bill, which includes research on control of weather, forest fires, pollution, pests, etc. pp. H8076-93

19. APPROPRIATIONS. Received the conference report on H. R. 7501, the Treasury, Post Office and Executive Office appropriation bill (H. Rept. 439). pp. H8046-7

20. FOREIGN AID. Rep. Steed inserted an editorial, "The Posturing Ingrate," which states "Of the many countries which the United States has helped with money and food, the most ungrateful is India." p. H8096

21. SEED TRADE. Rep. Horton inserted and commended an address by Charles B. Mills at the American Seed Trade Association Congressional breakfast. pp. H8097-98

22. LOBBYING. Rep. Resnick discussed the Lobbying Act and stated he plans to look into "possible violations" of the Act "resulting from the revelation of....previously unpublished activities of the Farm Bureau and its officials." p. H8099

23. FARM PROGRAM. Rep. Purcell inserted an editorial, "Loud and Wrong," critical of the farm program. p. H8123

ASCS COUNTY OFFICE EMPLOYEES

JUNE 27, 1967.—Ordered to be printed

Mr. RANDOLPH, from the Committee on Post Office and Civil Service,
submitted the following

R E P O R T

[To accompany S. 1028]

The Committee on Post Office and Civil Service, to which was referred the bill (S. 1028) to extend certain benefits of the Annual and Sick Leave Act, the Veterans' Preference Act, and the Classification Act to employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

AMENDMENTS

The committee has amended the bill to conform to the provisions of title 5, United States Code, as enacted in Public Law 89-554; and has amended the title of the bill to reflect these changes.

PURPOSE AND JUSTIFICATION

S. 1028 will recognize periods of employment service in the county offices of the Agriculture Stabilization and Conservation Service for the purposes of salary adjustment, annual and sick leave, and reductions in force for former county office employees who are appointed to positions as Federal employees in the Department of Agriculture.

Employees in the county offices of the ASCS are not Federal employees. They are employed by the individual county committees and are under the supervision of the county office manager, who is also an employee of the committee. They bear a close relationship to the Federal Government, however. Their salaries are paid entirely out of Federal funds. In recent years, Congress has extended the benefits of the Civil Service Retirement Act, the Federal Employees' Group Life Insurance Act, the Federal Employees Health Benefits

Act, and the Severance Pay Act to these employees. They are paid at rates identical to the general schedule at grades 1 through 11, and their salaries are increased by Congress whenever classified and postal employees receive increases.

Even though these employees are not technically and legally Federal employees, their relationship to the Federal Government is much closer than employees in Federal-State cooperative programs who do not have such coverage and who are not paid entirely out of Federal funds. The committee does not believe the recommendation of this legislation should be considered a precedent for any other group.

Under present law, when an employee of a county committee is appointed to a position in the Department of Agriculture, he begins his Federal service at the minimum rate of the appropriate grade of the general schedule, and is in all other respects a beginner. This is true regardless of the number of years he may have served in a county office or the degree of experience he has attained. A county office employee in grade CO-9, step 5, is paid the same salary as a GS-9, step 5—\$8,740. But if he is appointed to a Federal position classified at GS-9, he is placed in step 1 at a rate of \$7,696. He accumulates annual leave on the basis of a beginning employee at the rate of 13 days a year, regardless of his former rate of accumulation in ASCS service which may have been at the rate of 20 or 26 days a year. For the purposes of determining seniority for a reduction in force, his ASCS service is not considered. Thus a county office employee who moves to the State headquarters after 15 or 20 years' county service is junior to all other headquarters' employees.

The committee believes recognition should be given for this service to farming communities all over America. There is little incentive to accept a position in the Department of Agriculture when the prospective employee knows that the only difference, insofar as employee benefits are concerned, is that his salary may be reduced, his accumulated annual and sick leave erased, and his seniority abolished.

In recent years, Congress has recognized the need for flexibility in the general rules governing recruitment of personnel. Special salary schedules were authorized in 1962 for the recruitment of personnel in employment areas in which recruiting is most difficult. In 1964, Congress authorized hiring above the minimum rate of the grade in individual cases, GS-13 and above. In the 1966 pay bill, the Civil Service Commission, at its request, was granted permission to use this authority in grades GS-11 and GS-12. Its usefulness to the Government has been proved. The committee believes the principle should be extended to assist the Department of Agriculture in its recruitment of experienced, qualified persons now serving in the ASCS county offices.

Public hearings were held on this bill before the Subcommittee on Civil Service, May 4, 1967. Mr. Horace D. Godfrey, Administrator of the Agriculture Stabilization and Conservation Service, testified in favor of enactment. Civil Service Commission Chairman John W. Macy, Jr., testified that in view of continued congressional interest in ASCS county office employees, the administration would no longer oppose enactment of this legislation.

COST

There is no additional cost involved in this measure. Any loss of savings resulting from its enactment can be measured by the difference between the salary for the first rate of the appropriate grade of the general schedule and the rate at which a former ASCS employee shall be placed, plus the difference, if any, in the cost of annual leave at the beginning rate of accumulation and at the appropriate rate of accumulation.

The Department of Agriculture estimates that about 150 ASCS employees in county offices are appointed to positions in the Department each year. The effect of the amendments made by this bill would probably increase this number to about 400 each year.

Following are letters from the Department of Agriculture, Civil Service Commission, and Bureau of the Budget on S. 1028:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 3, 1967.

HON. A. S. MIKE MONRONEY,
*Chairman, Committee on Post Office and Civil Service,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in reply to your request of February 22, 1967, for a report on S. 1028, a bill to extend certain benefits of the Annual and Sick Leave Act, the Veterans' Preference Act, and the Classification Act to employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes.

This Department strongly recommends that the bill be passed.

The bill provides that ASC county committee employees who separate from their positions to accept appointment in other positions within the U.S. Department of Agriculture will receive the following benefits:

1. County committee employees moving to positions under the Classification Act in the Department may have their rate of compensation set at a rate which would eliminate or minimize reductions in salary now required in many cases.

2. Annual and sick leave to the credit of county committee employees shall be transferred with them to other positions in the Department on the same basis as transfers between leave systems provided in the Annual and Sick Leave Act.

3. County committee employee service will be creditable service for determining annual leave earning rate for employees serving under the Annual and Sick Leave Act in the Department.

4. County committee employee service will be creditable service for seniority purposes in connection with the application of reduction-in-force procedures in the Department.

These employees are a primary source of candidates to fill key positions in ASCS State offices. This reservoir of talented personnel with years of invaluable experience in the Department's programs at the grassroots level also provides the source for filling many other positions within the Department.

Currently the salary rate paid a county committee employee is not used in establishing the salary rate applicable to his appointment to a position in the Department under the Classification Act. For example,

county committee employees at grade CO-9 have the same salary rates for each step of the grade as an employee serving under the Classification Act occupying a position at grade GS-9. An employee at CO-9, step 10, \$10,045 per annum, would upon appointment to a position at GS-9 be paid the first step, or \$7,696 per annum. He would, therefore, receive a salary cut of \$2,349 per annum. The same employee, if selected for a GS-11 position, would receive a salary cut of \$824 per annum even though he is being advanced to a higher level position. The Classification Act does provide for protecting the salary rates of persons appointed from positions not covered by the Classification Act, such as the Foreign Service of the State Department. This benefit is also extended to legislative and judicial employees.

Service as a county committee employee is not creditable service for purposes of the Annual and Sick Leave Act. Annual and sick leave to the credit of our county committee employees cannot be transferred with them when they accept appointment to U.S. Department of Agriculture positions under the Annual and Sick Leave Act. A county committee employee with 15 years of county committee employee service earns 26 days annual leave each year. If this employee is appointed to a position in the Department under the Annual and Sick Leave Act, he would earn only 13 days of annual leave each year. Provision for crediting county committee employee service under the Annual and Sick Leave Act would allow this employee to continue earning 26 days of annual leave. This same employee would probably have a sizable annual and sick leave balance. The acceptance of a civil service position in the Department under current law requires that he forfeit his sick leave balance and receive a lump-sum payment for his annual leave.

The section of the bill relating to the Veterans' Preference Act would credit county committee employee service for seniority purposes in connection with reduction-in-force actions affecting U.S. Department of Agriculture positions. Currently county committee employees entering civil service positions in the Department do not receive such credit. They are treated for reduction-in-force purposes as employees entering the Government service for the first time.

The enactment of this legislation would not require additional appropriations.

The Bureau of the Budget advises that there is no objection to the presentation of this report but that its views are contained in a separate report which it is making on the bill.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., May 3, 1967.

Hon. A. S. MIKE MONRONEY,
Chairman, Committee on Post Office and Civil Service,
U.S. Senate, New Senate Office Building.

DEAR MR. CHAIRMAN: This is in further reply to your request for the views of the Civil Service Commission on S. 124 and S. 1028, bills to extend certain benefits to employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act.

These bills would extend Federal service credit, in varying degrees, for non-Federal service performed with Agricultural Stabilization and Conservation Service county committees. S. 124 would authorize the crediting of unused annual and sick leave earned in county office employment to the accounts of county office personnel who move to Federal ASCS positions at the State level, and would credit county office service for leave accrual purposes. S. 1028 would grant salary, leave, and retention credit for past county office service. Under S. 1028, leave and retention credit would be available only as long as the former county office personnel remained in positions under the Department of Agriculture.

These bills are the latest in a long history of proposals to extend the benefits and privileges of Federal employment to ASC county office personnel. S. 124 and S. 1028 are identical to bills introduced in the last Congress and similar to bills introduced in the 88th Congress. The Civil Service Commission has considered the previous legislation undesirable and takes the same view with respect to the current bills.

This legislation would accord preferential treatment not available to any other groups. Its enactment would open the way for other non-Federal personnel employed in federally sponsored or federally assisted programs to claim similar special advantages. Ultimately this could result in the establishment of a broad precedent that any work financed in whole or in part by the Federal Government, or carried on in close cooperation with it, provides an adequate basis to grant those who do the work any and all the benefits of Federal employment. It is noted there are already close to 200 Federal grant-in-aid programs, along with a variety of other Federal-State cooperative programs. The number of non-Federal personnel employed in these programs is in the hundreds of thousands.

In raising this issue there is no intention to advocate a closed, rigid structure of personnel policies and benefits. The Civil Service Commission is very much interested in, and is working toward, facilitating mobility of personnel between the Federal Government and other levels of government, and other organizations. However, in facilitating these arrangements, the Commission is concerned to maintain clear-cut distinctions between the systems involved, to establish relations with other systems on a reciprocal basis, and to keep benefits consonant with the rights and obligations of employment.

Aside from these considerations the Commission has long been troubled by the unclear status of ASC county office personnel. Ostensibly, they are non-Federal employees of farmer-elected, farmer-composed committees of private citizens. Yet over the years a combination of legislation and regulation has made it extremely difficult to determine what their status really is. They are treated as if they were Federal employees for most of the benefits of Federal employment, but not for the rights protections and obligations of the veteran preference laws, the laws restricting political activity and others. They serve under an employment system drawn up and controlled by the Department of Agriculture which provides for review of individual personnel actions at the Federal level. Yet they remain outside of the Federal Service in order to preserve a semblance of local control by farmer committees. Because they are not actually Federal employees they receive no credit for their county office service in Federal employ-

ment and this acts as a deterrent to their recruitment for positions in the Department of Agriculture.

The enactment of this legislation would probably ease whatever recruiting problem may exist, but at the same time it would further complicate the unclear relationship between these personnel and the Federal Government and have other undesirable consequences previously cited.

There is another approach which the Commission has felt would provide a better way of accomplishing the objectives of this legislation. It would be to enact legislation making county office employees full-fledged Federal employees of the Department of Agriculture, subject not only to the benefits of Federal employment but to all the obligations and protections as well. Such legislation would end the "in between" status of county office personnel and place them directly in the mainstream of career progression in the Department of Agriculture. This same approach has been recommended for another group of non-Federal personnel whose status is somewhat comparable—National Guard technicians—and a number of bills have been introduced in this Congress to effect this.

It has been suggested that this approach would alter the concept of local control over farm programs by county committees. Actually, under this approach local policy and decisionmaking authority over farm programs would still be left in the hands of the committees. All they would lose would be the limited authority they now have over the employment and retention of county office personnel.

The Commission, of course, recognizes that there are other viewpoints and other considerations. Many of the benefits of Federal employment have already been bestowed on these employees by act of Congress over a Presidential veto. When viewed in this light, it is clear how these bills can be considered extensions of previously established policy with respect to these employees. The fact that legislation similar to these bills has been introduced time and again is evidence of a deep and continuing interest in seeing that the benefits proposed are granted without changing the status of the employees.

If the Congress does decide to give favorable consideration to either of these bills, the Commission would strongly urge that a statement be included in the record to the effect that this legislation is not intended to serve as a precedent for granting Federal service credit for non-Federal service with other groups. The Commission also wishes to emphasize that if this legislation is enacted, the Commission would continue to work toward the objective of making these employees Federal, subject not only to the benefits of Federal employment but to the rights and obligations as well.

If these bills are given further consideration, they should be drafted as amendments to title 5, United States Code, which has been codified into positive law.

The Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to the submission of this report.

By direction of the Commission:

Sincerely yours,

(Signed) JOHN W. MACY, Jr.,
Chairman.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., May 3, 1967.

HON. A. S. MIKE MONRONEY,
*Chairman, Committee on Post Office and Civil Service,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: Reference is made to the committee's request for the views of the Bureau of the Budget respecting S. 124 and S. 1028, bills respecting grant of service credit based upon prior employment with county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act.

S. 1028 would establish those Department of Agriculture employees who were once employed by an ASC county committee as a select class of Federal employees to receive higher payments than would otherwise be made, in the form of higher leave accrual, higher base pay within the grade, and greater longevity credit for retention purposes. S. 124 would permit higher payments only for leave, and further, would restrict its application to Agriculture Department employees in State ASC activity.

As you know, this Bureau has always opposed the grant of special benefits—retirement coverage, other direct cash payments, longevity credit, etc.—to any group of employees based upon prior service rendered another employer. The structure of Federal employee benefits which have been legislated for the employees of ASC county committees is a case in point. Although concededly not Federal employees, the ASC county committee employees have been allowed to participate in practically all of the fringe benefits incident to Federal employment. No corresponding increase in Federal supervision, direction, or responsiveness of their activities has accompanied the grant of benefits.

In the absence of other considerations we believe the best solution in the existing situation would be to federalize employees at the county committee level, as is already true of employees of State ASC offices. Following the approach recently adopted by the administration for National Guard technicians, the committee employees would be converted to direct Federal employee status, employed by and directly responsible to, the Department of Agriculture, subject to rules and standards governing Federal employment generally.

If, notwithstanding the foregoing, the Congress regards this group of employees as sufficiency unique to warrant the special treatment proposed by these bills, the Bureau believes that it should be made clear that such action would not serve as a precedent for granting similar benefits to other groups based on non-Federal employment.

Sincerely yours,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows (existing law in which no change is proposed is shown in roman; existing law proposed to be omitted is enclosed in black brackets; new matter is shown in italic):

**TITLE 5, UNITED STATES CODE (AS ENACTED IN PUBLIC
LAW 89-554)**

* * * * *

SUBCHAPTER I OF CHAPTER 35

RETENTION PREFERENCE

§ 3501. Definitions; application

(a) For the purpose of this subchapter, except section 3504—

(1) “active service” has the meaning given it by section 101 of title 37;

(2) “a retired member of a uniformed service” means a member or former member of a uniformed service who is entitled, under statute, to retired, retirement, or retainer pay on account of his service as such a member; and

(3) a preference eligible employee who is a retired member of a uniformed service is considered a preference eligible only if—

(A) his retirement was based on disability—

(i) resulting from injury or disease received in line of duty as a direct result of armed conflict; or

(ii) caused by an instrumentality of war and incurred in the line of duty during a period of war as defined by sections 101 and 301 of title 38;

(B) his service does not include twenty or more years of full-time active service, regardless of when performed but not including periods of active duty for training; or

(C) on November 30, 1964, he was employed in a position to which this subchapter applies and thereafter he continued to be so employed without a break in service of more than 30 days.

(b) Except as otherwise provided by this subsection and section 3504 of this title, this subchapter applies to each employee in or under an Executive agency. This subchapter does not apply to an employee whose appointment is required by Congress to be confirmed by, or made with the advice and consent of, the Senate, except an employee whose appointment is made under section 3311 of title 39.

§ 3502. Order of retention

(a) The Civil Service Commission shall prescribe regulations for the release of competing employees in a reduction in force which give due effect to—

(1) tenure of employment;

(2) military preference, subject to section 3501(a)(3) of this title;

(3) length of service; and

(4) efficiency or performance ratings.

In computing length of service, a competing employee—

(A) who is not a retired member of a uniformed service is entitled to credit for the total length of time in active service in the armed forces; and

(B) who is a retired member of a uniformed service is entitled to credit for—

(i) the length of time in active service in the armed forces during a war, or in a campaign or expedition for which a campaign badge has been authorized; or

(ii) the total length of time in active service in the armed forces if he is included under section 3501(a)(3)(A), (B), or (C) of this title [.];

(C) who is an employee in or under the Department of Agriculture is entitled to credit for service rendered as an employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)), or of a committee or an association of producers described in section 10(b) of the Agricultural Adjustment Act of May 12, 1933 (48 Stat. 37).

(b) A preference eligible employee whose efficiency or performance rating is "good" or "satisfactory" or better than "good" or "satisfactory" is entitled to be retained in preference to other competing employees. A preference eligible employee whose efficiency or performance rating is below "good" or "satisfactory" is entitled to be retained in preference to competing nonpreference employees who have equal or lower efficiency or performance ratings.

§ 3503. Transfer of functions

(a) When a function is transferred from one agency to another, each preference eligible employed in the function shall be transferred to the receiving agency for employment in a position for which he is qualified before the receiving agency may make an appointment from another source to that position.

(b) When one agency is replaced by another, each preference eligible employed in the agency to be replaced shall be transferred to the replacing agency for employment in a position for which he is qualified before the replacing agency may make an appointment from another source to that position.

§ 3504. Preference eligibles; retention; physical qualifications; waiver

In determining qualifications of a preference eligible for retention in a position in the competitive service, an Executive agency, or the government of the District of Columbia, the Civil Service Commission or other examining agency shall waive—

(1) requirements as to age, height, and weight, unless the requirement is essential to the performance of the duties of the position; and

(2) physical requirements if, in the opinion of the Commission or other examining agency, after considering the recommendation of an accredited physician, the preference eligible is physically able to perform efficiently the duties of the position.

* * * * *

SUBCHAPTER III OF CHAPTER 53

* * * * *

§ 5334. Rate on change of position or type of appointment; regulations

(a) The rate of basic pay to which an employee is entitled is governed by regulations prescribed by the Civil Service Commission in conformity with this subchapter and chapter 51 of this title when—

(1) he is transferred from a position in the legislative, judicial, or executive branch to which this subchapter does not apply;

(2) he is transferred from a position in the legislative, judicial, or executive branch to which this subchapter applies to another such position;

(3) he is demoted to a position in a lower grade;

(4) he is reinstated, reappointed, or reemployed in a position to which this subchapter applies following service in any position in the legislative, judicial, or executive branch;

(5) his type of appointment is changed;

(6) his employment status is otherwise changed; or

(7) his position is changed from one grade to another grade.

(b) An employee who is promoted or transferred to a position in a higher grade is entitled to basic pay at the lowest rate of the higher grade which exceeds his existing rate of basic pay by not less than two step-increases of the grade from which he is promoted or transferred. If, in the case of an employee so promoted or transferred who is receiving basic pay at a rate in excess of the maximum rate of his grade, there is no rate in the higher grade which is at least two step-increases above his existing rate of basic pay, he is entitled to—

(1) the maximum rate of the higher grade; or

(2) his existing rate of basic pay, if that rate is the higher.

If an employee so promoted or transferred is receiving basic pay at a rate saved to him under section 5337 of this title on reduction in grade, he is entitled to—

(A) basic pay at a rate two steps above the rate which he would be receiving if section 5337 of this title were not applicable to him; or

(B) his existing rate of basic pay, if that rate is the higher.

(c) An employee in the legislative branch who is paid by the Secretary of the Senate or the Clerk of the House of Representatives, and who has completed two or more years of service as such an employee, and a Member of the Senate or House of Representatives who has completed two or more years of service as such a Member, may, on appointment to a position to which this subchapter applies, have his initial rate of pay fixed—

(1) at the minimum rate of the appropriate grade; or

(2) at a step of the appropriate grade that does not exceed the highest previous rate of pay received by him during that service in the legislative branch.

(d) The Commission may prescribe regulations governing the retention of the rate of basic pay of an employee who together with his position is brought under this subchapter and chapter 51 of this title. If an employee so entitled to a retained rate under these regulations is later demoted to a position under this subchapter and chapter 51 of this title, his rate of basic pay is determined under section 5337 of this title. However, for the purpose of section 5337 of this title, service in the position which was brought under this subchapter and chapter 51 of this title is deemed service under this subchapter and chapter 51 of this title.

(e) The rate of pay established for a teaching position as defined by section 901 of title 20 held by an individual who becomes subject to subsection (a) of this section is deemed increased by 20 percent to determine the yearly rate of pay of the position.

(f) *An employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) may upon appointment of a position under the Department of Agriculture subject to this subchapter have his initial rate of basic pay fixed at the minimum rate of the appropriate grade, or at any other step of such grade that does not exceed the highest previous rate of basic pay received by him during service with such county committee.*

* * * * *

CHAPTER 63—LEAVE

SUBCHAPTER I—ANNUAL AND SICK LEAVE

Sec.

- 6301. Definitions.
- 6302. General provisions.
- 6303. Annual leave; accrual.
- 6304. Annual leave; accumulation.
- 6305. Home leave; leave for Chiefs of Missions.
- 6306. Annual leave; refund of lump-sum payment; recredit of annual leave.
- 6307. Sick leave; accrual and accumulation.
- 6308. Transfers between positions under different leave systems.
- 6309. Leave of absence; rural carriers.
- 6310. Leave of absence; aliens.
- 6311. Regulations.
- 6312. *Accrual and accumulation for former ASCS county office employees.*

* * * * *

6312. Accrual and accumulation for former ASCS county office employees

Service rendered as an employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)), or of an association of producers described in section 10(b) of the Agricultural Adjustment Act of May 12, 1933 (48 Stat. 37), shall be included in determining years of service for the purpose of section 6303(a) of this title in the case of any officer or employee in or under the Department of Agriculture. The provisions of section 6308 of this title for transfer of annual and sick leave between leave systems shall apply to the leave system established for such employees.

○

Calendar No. 352

90TH CONGRESS
1ST SESSION

S. 1028

[Report No. 365]

IN THE SENATE OF THE UNITED STATES

FEBRUARY 20, 1967

Mr. MONRONEY (for himself and Mr. HOLLINGS) introduced the following bill;
which was read twice and referred to the Committee on Post Office and
Civil Service

JUNE 27, 1967

Reported by Mr. RANDOLPH, with amendments

[Omit the part struck through and insert the part printed in italic]

A BILL

To extend certain benefits of the Annual and Sick Leave Act, the Veterans' Preference Act, and the Classification Act to employees of county committees established pursuant to section 8 (b) of the Soil Conservation and Domestic Allotment Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 802 of the Classification Act of 1949, as
4 amended (~~5 U.S.C. 1132~~), 5534 of title 5, United States
5 Code, is amended by adding at the end thereof the follow-
6 ing new subsection:

7 “(e) (f) An employee of a county committee estab-
8 lished pursuant to section 8 (b) of the Soil Conservation and

1 Domestic Allotment Act (16 U.S.C. 590h(b)) may upon
 2 appointment to a position under the Department of Agri-
 3 culture, subject to this ~~Act~~ *subchapter*, have his initial rate
 4 of ~~compensation~~ *basic pay* fixed at the minimum rate of the
 5 appropriate grade, or at any step of such grade that does
 6 not exceed the highest previous rate of ~~compensation~~ *basic*
 7 *pay* received by him during service with such county
 8 committee.”

9 SEC. 2. (a) The Annual and Sick Leave Act of 1951
 10 ~~(65 Stat. 679-683)~~, as amended ~~(5 U.S.C. 2061 and fol-~~
 11 ~~lowing)~~, *Subchapter I of chapter 63 of title 5, United States*
 12 *Code*, is amended by adding at the end thereof the following
 13 new section:

14 “SEC. ~~240.~~ 6312. Service rendered as an employee of a
 15 county committee established pursuant to section 8 (b) of the
 16 Soil Conservation and Domestic Allotment Act (16 U.S.C.
 17 590 (b)), or of a committee or an association of producers
 18 described in section 10 (b) of the Agricultural Adjustment
 19 Act of May 12, 1933 (48 Stat. 37), shall be included in
 20 determining years of service for the purpose of section
 21 ~~203(a)~~ 6303(a) of this ~~Act~~ *title* in the case of any officer or
 22 employee so long as such ~~officer or employee~~ holds an office
 23 ~~or position~~ *in or* under the Department of Agriculture. The

1 provisions of section ~~205(c)~~ 6308 of this Act *title* for trans-
 2 fer of annual and sick leave between leave systems shall
 3 apply to the leave system established for such employees.”

4 (b) *The analysis of chapter 63 of title 5, United States*
 5 *Code, is amended by adding the following new item immedi-*
 6 *ately after item 6311:*

“6312. Accrual and accumulation for former ASCS county office em-
ployees.”

7 SEC. 3. Section ~~12(a)~~ of the Veterans' Preference Act
 8 of 1944 (~~5 U.S.C. 861(a)~~) is amended by inserting before
 9 the period at the end thereof the following: *“And provided*
 10 *further, That in computing length of total service, credit*
 11 *shall be given for service rendered as an employee of a*
 12 *county committee established pursuant to section 8(b) of*
 13 *the Soil Conservation and Domestic Allotment Act (16*
 14 *U.S.C. 590h(b))*; or of a committee or an association of
 15 producers described in section ~~10(b)~~ of the Agricultural
 16 Adjustment Act of May 12, 1933 (~~48 Stat. 37~~) in the case
 17 of any employee so long as such employee holds a position
 18 under the Department of Agriculture”. *The second sentence*
 19 *of section 3502(a) is amended—*

20 (1) *by striking out the period at the end of sub-*

1 *paragraph (B) and inserting in lieu thereof a semicolon*
2 *and the word "and"; and*

3 *(2) by adding after subparagraph (B) the follow-*
4 *ing new subparagraph:*

5 *"(C) who is an employee in or under the De-*
6 *partment of Agriculture is entitled to credit for*
7 *service rendered as an employee of a county com-*
8 *mittee established pursuant to section 8(b) of the*
9 *Soil Conservation and Domestic Allotment Act (16*
10 *U.S.C. 590h(b)), or of a committee or an associa-*
11 *tion of producers described in section 10(b) of the*
12 *Agricultural Adjustment Act of May 12, 1933 (48*
13 *Stat. 37)."*

Amend the title so as to read: "A bill to amend title 5, United States Code, to extend certain benefits to former employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes."

90TH CONGRESS
1ST SESSION

S. 1028

[Report No. 365]

A BILL

To extend certain benefits of the Annual and Sick Leave Act, the Veterans' Preference Act, and the Classification Act to employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes.

By Mr. MONRONEY and Mr. HOLLINGS

FEBRUARY 20, 1967

Read twice and referred to the Committee on Post
Office and Civil Service

JUNE 27, 1967

Reported with amendments

June 28, 1967

15. REDWOOD PARK. Rep. Cohelan inserted his and Rep. Pepper's statement on legislation to establish a Redwood National Park. pp. H8275-77
16. ADJOURNMENT. Agreed to H. Con. Res. 393, providing that both Houses "shall adjourn on Thursday, June 29, 1967, and that when they adjourn on said day they stand adjourned until 12 o'clock noon on Monday, July 10, 1967." p. H8206

SENATE

17. APPROPRIATIONS. A subcommittee of the Appropriations Committee approved for full committee consideration H. R. 10509, the agricultural appropriation bill. p. D544
Passed without amendment H. J. Res. 652, making continuing appropriations for fiscal 1968 (For details see Digest 101.) This bill will now be sent to the President. p. S9022
18. TOBACCO. Passed without amendment H. R. 5702, to remove the 5-acre limitation on leasing of tobacco allotment acreage, and H. R. 8265, to authorize transfer of tobacco acreage allotments and acreage-poundage quotas. These bills will now be sent to the President. pp. S9099-9100
19. PERSONNEL. Passed as reported S. 1028, to extend certain benefits of the Annual and Sick Leave Act, the Veterans Preference Act, and the Classification Act to employees of ASC county committees. pp. S9100-1
20. REA. Sen. Nelson inserted an article supporting the proposal to establish a Federal Electric Bank to help meet the needs of rural electric cooperatives. p. S9063
Sen. Proxmire inserted a speech which reviews the "great contribution which locally owned rural electric cooperatives have made to our State." pp. S9063-4
Sen. Symington inserted a speech which presents "the importance of the Rural Electrification program and the need for keeping the REA systems alive and strong." pp. S9070-1
21. FOOD. Sen. Hruska stated, "Agriculture should be our strongest arm in our effort for world peace." and inserted a speech which points out "a few significant developments including mechanization, chemical research, computerization, customized services, legislation and liability, plus some closing observations on food power for peace." pp. S9076-8
22. TRUTH-IN-LENDING. Sen. Young spoke in favor of S. 5, the truth-in-lending bill, and urged its enactment "without delay." p. S9052
23. AIR POLLUTION. Sen. Muskie inserted a speech by Sen. Kennedy, N. Y., on "the need for air pollution control." pp. S9048-9
Sen. Nelson inserted a speech on "The Fight for Clean Air." pp. S9056-8
Sen. Kennedy, N. Y., spoke in favor of S. 1941, to prevent, abate, and control air pollution in D. C. p. S9075
24. INTERGOVERNMENTAL RELATIONS. Sen. Mundt discussed problems of local governments and stated, "The crisis that many local governments now confront is not merely the crisis of urban areas alone. Rural communities are also affected.... Unless local government in rural and urban America can be revitalized, our economic and political system will have little chance to solve urgent public problems

effectively." He also inserted a statement on "Modernizing Local Government." pp. S9064-6

25. TAX SHARING. Received from the Legislatures of Tex. and Ill. resolutions urging the enactment of a Federal-State tax sharing program. pp. S9023-4
26. RESEARCH. Passed as reported S. 1296, to authorize appropriations to NASA for research and development, construction of facilities, and administrative operations. pp. S9078-94
27. OLDER AMERICANS. Passed as reported H. R. 10730, to extend the grant programs authorized under the Older Americans Act of 1965 through fiscal year 1972 and to authorize appropriations for fiscal year 1968. pp. S9094-9

ITEMS IN APPENDIX

28. PERSONNEL. Extension of remarks of Rep. Sullivan and insertion of correspondence with CSC Chairman Macy on plans to explore creation of a summer employment program for science teachers. p. A3318
Extension of remarks of Rep. Machen inserting material on a study of legislation dealing with salaries of Federal Government employees and the issue of comparability. pp. A3327-35
29. FARM CREDIT. Extension of remarks of Rep. Kee commending the Federal Land Bank System. p. A3319
30. CONSUMER MARKETING. Rep. Rarick inserted an article, "Business Government, and the Consumer Economy," which discusses the Government's role in sales and marketing. p. A3320
31. WORLD FOOD. Rep. Dole inserted an editorial, "Our Role in Helping Feed a Hungry World." pp. A3323-4
32. BUDGET. Rep. Lipscomb inserted an article, "Congress Still Controls Money." pp. A3335-6
33. FOREIGN TRADE. Rep. Lipscomb inserted an article, "East-West Trade--The Dangerous Illusion", which sets forth objections which the American Legion has to the concept of broader trade relations between the U. S. and Communist bloc nations. pp. A3339-40
34. POLLUTION. Rep. Philbin inserted an article on the problems of water pollution and the need for "massive public attention on a cooperative basis at every level of government." pp. A3340-1
35. TAXATION. Rep. Fisher inserted a Texas Legislature resolution favoring tax sharing with the States. pp. A3342-3
36. LOAN; WATER SYSTEM. Rep. Philbin inserted his address at the dedication ceremonies of a water supply system made possible by a grant from Farmers Home Administration. p. A3344

comes to appreciating their special needs and desires.

Joining Senator KENNEDY of Massachusetts in assuring the Senate's unanimous approval of this measure were the Senator from Iowa [Mr. MILLER] and the Senator from New Jersey [Mr. WILLIAMS], whose strong support is always most welcome.

TOBACCO ALLOTMENT ACREAGE

Mr. MANSFIELD. Mr. President, I move that the Senate turn to the consideration of Calendar No. 348, H.R. 5702.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 5702) to remove the 5-acre limitation on the amount of tobacco allotment acreage which may be leased.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to, and the Senate proceeded to consider the bill.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HOLLAND. Mr. President, the bill was unanimously reported by the Committee on Agriculture and Forestry. It was introduced, as I understand, by the distinguished gentleman from Virginia, Representative ABEITT.

The bill applies to dark tobacco as distinguished from burley tobacco or light tobacco.

The measure seems to have general support from that area.

We found no objection to the bill or to the next bill that will be taken up, H.R. 8265.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 361), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 5702 is to repeal the 5-acre limitation in present law which applies to the lease and transfer on an annual basis of acreage allotments for tobacco (other than a burley tobacco acreage allotment or a cigar filler or cigar binder (types 42, 43, 44, 53, 54, and 55) tobacco acreage allotment). Subsection 316(e) of the Agricultural Adjustment Act of 1938, as amended, presently provides that not more than 5 acres of allotment may be leased and transferred to any single farm. The act provides further that the total acreage allotted to any farm after such transfer shall not exceed 50 percent of the acreage of cropland in the farm. This bill simply removes the 5-acre limitation, but leaves the other limitation of "50 percent of cropland" unchanged.

NEED FOR LEGISLATION

When the legislation authorizing the lease and transfer of tobacco acreage allotments was considered in 1961, it was felt that limits should be placed on the amount that could be leased and transferred to any one farm. The experience of the past 5 years has shown that greater flexibility is necessary and that the "50-percent cropland" limitation will provide adequate safeguards against excessive allotments for farms as long as the lease and transfer remains on an annual basis as provided under existing law.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H. R. 5702) was passed.

AMENDMENT OF THE AGRICULTURAL ADJUSTMENT ACT OF 1938

Mr. MANSFIELD. Mr. President, I move that the Senate turn to the consideration of Calendar No. 349, H.R. 8265.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 8265) to amend the Agricultural Adjustment Act of 1938, as amended, to authorize the transfer to tobacco acreage allotments and acreage-poundage quotas.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to, and the Senate proceeded to consider the bill.

Mr. COOPER. Mr. President, I appreciate very much the courtesy of the chairman of the Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices, Senator HOLLAND, keeping in close touch with me about the bills before the Senate which affect tobacco growers—and all matters affecting burley tobacco—which were one of my chief concerns as a member of that committee, and in which I maintain my interest.

The bills passed by the House, H.R. 8265 and H.R. 5702, do not affect the burley tobacco programs. They deal with the lease and transfer of tobacco acreage allotments for other types of tobacco, principally the dark tobaccos.

While the House bill was before the Senate Committee on Agriculture, I was consulted, and also had the opportunity to discuss these proposals with farm groups and tobacco associations in Kentucky. I made my views known to the committee, particularly my concern that H.R. 8265 permits the sale of allotments—for the first time for any type of tobacco—and that this step might in the future be considered as establishing a precedent.

When it was proposed by the administration several years ago, I opposed the sale of allotments for any farm commodity. I have always opposed the lease of burley allotments, and have secured amendments making clear that the lease, much less the sale, of burley tobacco allotments is not authorized. It has been my position that the equity of the farm commodity production control programs rests on the premise that the "allotments run with the land," and that to provide for the sale of allotments could tend to substitute a system of federally franchised production.

I know, however, that this bill extending the leasing authority and authorizing the sale of dark tobacco allotments

is desired by the grower associations concerned, and supported by Members of Congress representing the areas where it is produced. And it is true that the dark types represent a much smaller share of tobacco production than burley tobacco, for example, and that there are special problems in these types for which I do not believe the allotments are in much demand.

I make no objection to Senate passage of the House bills, but I ask unanimous consent that a statement on this subject, presented by the Kentucky Farm Bureau Federation before the House Committee on Agriculture be included at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE KENTUCKY FARM BUREAU FEDERATION

We appreciate the opportunity to present the views of the Kentucky Farm Bureau Federation with respect to the sale and leasing of tobacco allotments.

The Kentucky Farm Bureau Federation is a general farm organization with 84,042 members. We are organized in 115 counties in Kentucky, including every county that produces dark fire-cured and dark air-cured tobacco.

At our last annual meeting on November 17, 1966, in Louisville, Kentucky, the voting delegates, representing the 115 county Farm Bureaus, adopted the following resolution:

"We are opposed to the selling of tobacco allotments. We are opposed to the leasing of burley tobacco allotments."

In light of this action, we, therefore, respectfully request this committee not to act favorably on the bills to permit the selling of tobacco allotments or the bills that would permit the leasing of burley tobacco allotments.

We believe that some changes could be made that would greatly help the producers of dark air-cured, dark fire-cured and burley tobacco.

We recommend that you enact legislation that would permit the exchange of dark air-cured and dark fire-cured tobacco allotments, one for the other, from farm to farm within the same county on an equal basis. We believe this would permit a producer to accumulate an amount of one type of tobacco sufficient for an economical operation yet not concentrate tobacco allotments into the hands of fewer people and on fewer farms.

With respect to burley tobacco, we recommend that legislation be enacted to provide that future downward adjustments in allotments be shared proportionately by all growers.

We urge you to give serious consideration to these recommendations.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 362), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 8265 is to authorize the lease, sale, and transfer of acreage allotments and acreage-poundage quotas for Fire-cured, dark air-cured and Virginia sun-cured tobacco to other farms in the same county. Existing law authorizes the lease and transfer of allotments for these kinds of tobacco on an annual basis. H.R. 8265 extends this authority by providing for lease and transfer for a period not to exceed 5

years and for outright sale and transfer of allotments and acreage-poundage quotas for these kinds of tobacco.

EXCERPTS FROM HOUSE REPORT NO. 225

Need for legislation

The Department of Agriculture advises that 23,856 farms have Fire-cured tobacco allotments, and that the average allotment is 1.50 acres per farm. A total of 23,245 farms have Dark Air-cured tobacco allotments, with an average allotment of 0.55 acre per farm. The average allotment for Virginia Sun-cured tobacco is 1.89 acre per farm, and 1,579 farms have allotments. It is readily apparent these allotments simply do not constitute economic operating units.

The Department advises further that Fire-cured tobacco allotments were leased from 4,093 farms in 1966 under the present authority for leasing on an annual basis. Dark air-cured allotments were leased from 2,121 farms and Virginia sun-cured from 21 farms. Notwithstanding the extensive use made of annual leases, grower representatives have pointed out that leases for a longer period and authority to sell allotments are needed to enable farmers who have land and labor available and desire to continue producing tobacco to acquire machinery and equipment for an economic operation. Likewise, those farmers who do not wish to continue the production of these kinds of tobacco, but want to transfer their resources into some other enterprise, want to sell their allotments rather than execute a lease each year.

The committee feels that the enactment of H.R. 8265 will improve the status of the family farm. At the same time, with the committee amendments, the bill contains adequate safeguards to prevent the accumulation of the allotted acreage on a few farms.

The bill provides that no allotment or quota shall be transferred to a farm in another county.

No allotment or quota can be transferred from a farm which is subject to a mortgage or other lien unless the transfer is agreed to by the lienholder.

No sale of an allotment or quota from a farm is permitted if any sale of allotment or quota has been made to the same farm within the preceding 3 years. This provision is designed to prevent speculation in buying and selling allotments.

A committee amendment limits the acreage of Fire-cured, dark air-cured, and Virginia sun-cured tobacco that can be transferred to any farm to 10 acres and provides that the total acreage allotted to any farm after transfer shall not exceed 50 percent of the acreage of cropland in the farm. The committee specifically intends that the 10-acre limitation shall apply to these kinds of tobacco regardless of whether H.R. 5702, 90th Congress, which removes the present 5-acre limitation, is enacted into law.

Section 2 of H.R. 8265 repeals section 315 of the Agricultural Adjustment Act of 1938, as amended, which provides for a single combined acreage allotment for any farm for which both a Fire-cured and Virginia sun-cured tobacco allotment was established. Section 315 has served the purpose for which it was enacted in 1958. Further, H.R. 8265 would permit the farm owner to lease, buy, or sell the allotment or quota for either kind of tobacco.

Hearings

Hearings were held by the Tobacco Subcommittee on April 18, 1967, on H.R. 5702, H.R. 6496, and H.R. 7256. H.R. 8265 is substantially the same as H.R. 6496 and H.R. 7256, except for (1) clarifying amendments, (2) the limitation of transfers of all types of Fire-cured, dark air-cured and Virginia sun-cured tobacco to farms within the same county, and (3) a committee amendment limiting the acreage that can be transferred to any farm to 10 acres and providing that the total acreage allotted to any farm after such transfer shall not exceed 50 percent of

the acreage of cropland in the farm. Testimony given at the hearing overwhelmingly supported these bills. The Tobacco Subcommittee unanimously approved H.R. 8265.

Cost

The Department of Agriculture has informally advised the committee that the enactment of this bill would not require the expenditure of any additional funds and it took the same position in its formal report on H.R. 6339, a similar bill.

DEPARTMENTAL POSITION

A representative of the Department of Agriculture testified at the hearing that the Department favors authority to permit the lease and sale and transfer of tobacco allotments. Department representatives have advised the committee that they are in agreement with the committee amendments and that the Department does not oppose the enactment of H.R. 8265, as amended. The Department advised further that the Bureau of the Budget likewise has no objection.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 8265) was passed.

EXTENSION OF CERTAIN BENEFITS OF THE ANNUAL AND SICK LEAVE ACT, THE VETERANS' PREFERENCE ACT, AND THE CLASSIFICATION ACT TO EMPLOYEES OF COUNTY COMMITTEES ESTABLISHED PURSUANT TO THE SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 352, S. 1028.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 1028) to extend certain benefits of the Annual and Sick Leave Act, the Veterans Preference Act, and the Classification Act to employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Post Office and Civil Service, with amendments, on page 1, line 3, after the word "section", to strike out "802 of the Classification Act of 1949, as amended (5 U.S.C. 1132)" and insert "5534 of title 5, United States Code"; at the beginning of line 7, to strike out "(e)" and insert "(f)"; on page 2, line 3, after the word "this", to strike out "Act" and insert "subchapter"; in line 4, after the word "of", where it appears the first time, to strike out "compensation" and insert "basic pay"; in line 6, after the word "of", to strike out "compensation" and insert "basic pay"; in line 9, after "Sec. 2.", to insert "(a)"; in the same line, after the amendment just above stated,

to strike out "The Annual and Sick Leave Act of 1951 (65 Stat. 679-683), as amended (5 U.S.C. 2061 and following)" and insert "Subchapter I of chapter 63 of title 5, United States Code"; at the beginning of line 14, to change the section number from "210" to "6312"; at the beginning of line 21, to strike out "203 (a)" and insert "6303 (a)"; in the same line, after the word "this", to strike out "Act" and insert "title"; in line 222, after the word "employee", where it appears the first time, to strike out "so long as such officer or employee holds an office or position" and insert "in or"; on page 3, line 1, after the word "section", to strike out "205 (c)" and insert "6308"; in the same line, after the word "this", to strike out "Act" and insert "title"; after line 3, to insert:

(b) The analysis of chapter 63 of title 5, United States Code, is amended by adding the following new item immediately after item 6311:

"6312. Accrual and accumulation for former ASCS county office employees."

And, in line 7, after "Sec. 3.", to strike out "Section 12(a) of the Veterans' Preference Act of 1944 (5 U.S.C. 861(a)) is amended by inserting before the period at the end thereof the following: 'And provided further, That in computing length of total service, credit shall be given for service rendered as an employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)), or of a committee or an association of producers described in section 10(b) of the Agricultural Adjustment Act of May 12, 1933 (48 Stat. 37) in the case of any employee so long as such employee holds a position under the Department of Agriculture.'" and insert "The second sentence of section 3502(a) is amended—

"(1) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof a semicolon and the word 'and'; and

"(2) by adding after subparagraph (B) the following new subparagraph:

"(C) who is an employee in or under the Department of Agriculture is entitled to credit for service rendered as an employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)), or of a committee or an association of producers described in section 10(b) of the Agricultural Adjustment Act of May 1, 1933 (48 Stat. 37).'" ; so as to make the bill read:

S. 1028

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5534 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

(f) An employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) may upon appointment to a position under the Department of Agriculture, subject to this subchapter, have his initial rate of basic pay fixed at the minimum rate of the appropriate grade, or at any step of such grade that does not exceed the highest previous rate of basic pay received by him during service with such county committee."

SEC. 2. (a) Subchapter I of chapter 63 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"SEC. 6312. Service rendered as an employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590(b)), or of a committee or an association of producers described in section 10(b) of the Agricultural Adjustment Act of May 12, 1933 (48 Stat. 37), shall be included in determining years of service for the purpose of section 6303(a) of this title in the case of any officer or employee in or under the Department of Agriculture. The provisions of section 6308 of this title for transfer of annual and sick leave between leave systems shall apply to the leave system established for such employees."

(b) The analysis of chapter 63 of title 5, United States Code, is amended by adding the following new item immediately after item 6311:

"6312. Accrual and accumulation for former ASCS county office employees."

SEC. 3. The second sentence of section 3502 (a) is amended—

(1) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof a semicolon and the word "and"; and

(2) by adding after subparagraph (B) the following new subparagraph:

"(C) who is an employee in or under the Department of Agriculture is entitled to credit for service rendered as an employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)), or of a committee or an association of producers described in section 10(b) of the Agricultural Adjustment Act of May 12, 1933 (48 Stat. 37)."

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 365), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE AND JUSTIFICATION

S. 1028 will recognize periods of employment service in the county offices of the Agriculture Stabilization and Conservation Service for the purposes of salary adjustment, annual and sick leave, and reductions in force for former county office employees who are appointed to positions as Federal employees in the Department of Agriculture.

Employees in the county offices of the ASCS are not Federal employees. They are employed by the individual county committees and are under the supervision of the county office manager, who is also an employee of the committee. They bear a close relationship to the Federal Government, however. Their salaries are paid entirely out of Federal funds. In recent years, Congress has extended the benefits of the Civil Service Retirement Act, the Federal Employees' Group Life Insurance Act, the Federal Employees Health Benefits Act, and the Severance Pay Act to these employees. They are paid at rates identical to the general schedule at grades 1 through 11, and their salaries are increased by Congress whenever classified and postal employees receive increases.

Even though these employees are not technically and legally Federal employees, their relationship to the Federal Government is much closer than employees in Federal-State cooperative programs who do not have such coverage and who are not paid entirely out of Federal funds. The committee does not believe the recommendation of this legislation should be considered a precedent for any other group.

Under present law, when an employee of a county committee is appointed to a position in the Department of Agriculture, he begins his Federal service at the minimum rate of the appropriate grade of the general schedule, and is in all other respects a beginner. This is true regardless of the number of years he may have served in a county office or the degree of experience he has attained. A county office employee in grade CO-9, step 5, is paid the same salary as a GS-9, step 5—\$8,740. But if he is appointed to a Federal position classified at GS-9, he is placed in step 1 at a rate of \$7,696. He accumulates annual leave on the basis of a beginning employee at the rate of 13 days a year, regardless of his former rate of accumulation in ASCS service which may have been at the rate of 20 or 26 days a year. For the purposes of determining seniority for a reduction in force, his ASCS service is not considered. Thus a county office employee who moves to the State headquarters after 15 or 20 years' county service is junior to all other headquarters' employees.

The committee believes recognition should be given for this service to farming communities all over America. There is little incentive to accept a position in the Department of Agriculture when the prospective employee knows that the only difference, insofar as employee benefits are concerned, is that his salary may be reduced, his accumulated annual and sick leave erased, and his seniority abolished.

In recent years, Congress has recognized the need for flexibility in the general rules governing recruitment of personnel. Special salary schedules were authorized in 1962 for the recruitment of personnel in employment areas in which recruiting is most difficult. In 1964, Congress authorized hiring above the minimum rate of the grade in individual cases, GS-13 and above. In the 1966 pay bill, the Civil Service Commission, at its request, was granted permission to use this authority in grades GS-11 and GS-12. Its usefulness to the Government has been proved. The committee believes the principle should be extended to assist the Department of Agriculture in its recruitment of experienced, qualified persons now serving in the ASCS county offices.

Public hearings were held on this bill before the Subcommittee on Civil Service, May 4, 1967. Mr. Horace D. Godfrey, Administrator of the Agriculture Stabilization and Conservation Service, testified in favor of enactment. Civil Service Commission Chairman John W. Macy, Jr., testified that in view of continued congressional interest in ASCS county office employees, the administration would no longer oppose enactment of this legislation.

COST

There is no additional cost involved in this measure. Any loss of savings resulting from its enactment can be measured by the difference between the salary for the first rate of the appropriate grade of the general schedule and the rate at which a former ASCS employee shall be placed, plus the difference, if any, in the cost of annual leave at the beginning rate of accumulation and at the appropriate rate of accumulation.

The Department of Agriculture estimates that about 150 ASCS employees in county offices are appointed to positions in the Department each year. The effect of the amendments made by this bill would probably increase this number to about 400 each year.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 1028) was passed.

The title was amended, so as to read: "A bill to amend title 5, United States Code, to extend certain benefits to former employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes."

VISIT TO THE SENATE BY BRAZILIAN CONGRESSIONAL DELEGATION

Mr. AIKEN. Mr. President, we are highly honored today to receive a visit from five members of the House of Deputies of Brazil and their Ambassador, who is well known to us.

Brazil is one of our great friendly neighbors, one of the great countries of the world, and it is certainly a compliment to us to receive this visit from them today.

I wish to introduce them to the Senate now so that their names may appear in the RECORD of the proceedings of the Senate.

I introduce, first, the Honorable Alipio Ayres de Carvalho, Federal Deputy from Paraná.

The Honorable Paulo Macarini, Federal Deputy from Santa Catarina.

The Honorable Djalma Aranha Marinho, Federal Deputy from Rio Grande do Norte.

The Honorable José Edilson de Melo Tavora, Federal Deputy from Ceará.

The Honorable Adolpho Barbosa Neto de Oliveira, Federal Deputy from Rio de Janeiro.

Finally, His Excellency Vasco Leitao da Cunha, the Brazilian Ambassador, who is so well and favorably known to all of us here. [Applause, Senators rising.]

Mr. MORSE. Mr. President, the majority leader has suggested that I respond on behalf of the Senate. I should like to say, as chairman of the Subcommittee on Latin American Affairs, that we welcome the Brazilian delegation most enthusiastically.

We are honored to have you with us and we want you to know that as you go back to Brazil you go back as our ambassadors, too, to give assurance to your President and your Parliament of our desire to continue the cooperative relationships between our two great governments of self-government on the part of free peoples.

Mr. President, I move that the Senate take a recess for 3 minutes, in order that we may have the pleasure of meeting personally these distinguished visitors.

(The motion was agreed to, and the Senate stood in recess for 3 minutes.)

ORDER FOR ADJOURNMENT UNTIL 10 O'CLOCK TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PERCY, OF ILLINOIS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that immediately after the prayer and reading of the Journal tomorrow, the distinguished Senator from Illinois [Mr. PERCY] be recognized for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF TITLE V OF THE HIGHER EDUCATION ACT OF 1965

Mr. BYRD of West Virginia. Mr. President, yesterday the Committee on Labor and Public Welfare reported S. 2028, Calendar No. 350.

Also on yesterday, the House passed a companion bill, which has just been received by the Senate. I ask unanimous consent, therefore, that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 10943) to amend and extend title V of the Higher Education Act of 1965.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was read twice by its title.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent—and this has been discussed with the distinguished Senator from Colorado [Mr. DOMINICK], the distinguished minority leader, and other Senators—that there be a time limitation of 1 hour on each amendment and 2 hours on the pending bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is H.R. 10943, an act to amend and extend title V of the Higher Education Act of 1965.

The time is under control—2 hours on the bill, equally divided, and 1 hour on each amendment, equally divided.

Mr. MORSE. Mr. President, for my opening statement, I will take such time as I need, from time allowed on the bill.

The Committee on Labor and Public Welfare has reported to the Senate S. 2028, a bill to extend and expand title V of the Higher Education Act of 1965. The new title will be known as the Education Professions Development Act.

Yesterday afternoon the House passed an identical bill, H.R. 10943, which is now pending before the Senate.

H.R. 10943 is intended to coordinate, broaden, and strengthen programs for the training and improvement of teachers and other educational personnel so as to improve the quality of teaching, and to help meet the critical shortages of adequately trained educational personnel.

H.R. 10943 extends and amends title V of the Higher Education Act of 1965, which presently authorizes the Teachers Corps program and a program of graduate fellowships for elementary and secondary school teachers. In addition to revising and extending these two programs through fiscal year 1970, H.R. 10943 proposes the establishment of a National Advisory Council on Education Professions Development and four new programs which would begin in fiscal 1969. The four programs will provide, first, grants and contracts for the purpose of attracting qualified persons to the field of edu-

cation; second, grants to local educational agencies experiencing critical shortages of teachers to carry out programs to attract and qualify teachers and teacher aides; third, grants and contracts to provide advanced training and retraining—preservice and inservice training—for personnel serving in programs of elementary and secondary education; and, fourth, fellowships, traineeships, institutes, and preservice and inservice training for personnel serving as teachers, administrators, or educational specialists in colleges and universities.

At this point, Mr. President, I should like to insert a table showing the authorization figures for the various programs contained in this legislation.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Department of Health, Education, and Welfare, Office of Education—Amendments to title V, Higher Education Act (Education Professions Development Act)

	1968 estimate	1969 estimate	1970 estimate
National Advisory Council on Education Professions Development: Authorization.	\$100, 000	\$200, 000	\$200, 000
Attracting qualified persons to the field of education: Authorization.		\$2, 500, 000	\$5, 000, 000
Teachers Corps:			
Authorization	\$33, 000, 000	\$46, 000, 000	\$56, 000, 000
Number of teachers	6, 000	7, 500	9, 600
Attracting and qualifying teachers to meet critical teacher shortages—Grants to States:			
Authorization		\$50, 000, 000	\$65, 000, 000
Number of trainees		25, 500	33, 200
Elementary and secondary teacher programs:			
Authorization		\$195, 000, 000	\$240, 000, 000
Number of teacher fellowships		14, 250	17, 350
Number of program development grants		665	800
Improving training opportunities for personnel serving in programs of education other than higher education:			
Authorization		\$70, 000, 000	\$90, 000, 000
Number of trainees		35, 000	45, 000
Training programs for higher education personnel:			
Authorization		\$21, 500, 000	\$36, 000, 000
Number of trainees		3, 825	6, 150

¹ Numbers based on average training costs under existing NDEA institutes.

Note.—Table excludes continuation costs authorized beyond 1970.

Mr. MORSE. Mr. President, the legislation which we are considering is at least in part, and a major part, emergency legislation. Without extension of the Teachers Corps before the end of this month, the authorization for the Teachers Corps legislation will cease to exist. An appropriation of approximately \$3.7 million which has already been made for the continuance of the Teachers Corps for summer training will revert to the Treasury.

Because of the unusual situation and because of the pending adjournment of Congress, I am asking my colleagues to cooperate in prompt enactment of this legislation, so that it may be sent directly to the President for his signature.

TEACHERS CORPS

Last fall, the Nation was faced with an unprecedented shortage of almost 170,000 qualified teachers. The shortage was most acute in the urban slums and in depressed rural areas.

Testimony and evidence presented to the committee strongly supports an increased and improved program of support by the Federal Government to attract and prepare men and women for teaching in schools serving disadvantaged children.

Part of this bill grows out of a bill that

was introduced by the Senator from Wisconsin [Mr. NELSON] and the Senator from Massachusetts [Mr. KENNEDY] 2 years ago. We adopted the form of it heretofore. We are faced this afternoon with the parliamentary decision of deciding to extend it by way of legislation that is pending, so that it will not lapse and go out of existence on July 30.

The Federal involvement to date has been limited. Institutes to provide advanced training for teachers of disadvantaged youth have been supported under title XI of the National Defense Education Act. The National Teachers Corps has been acclaimed by most local educational agencies having a Teachers Corps team; yet the program has been small in comparison to the national need. Recognizing and considering seriously the potential value of the Teachers Corps, the committee has given the utmost attention to this program.

A total of 1,213 Teachers Corps members are engaged in 111 school districts serving in 275 schools across the Nation.

S. 2028 would make the following major changes in the program:

First. Local educational agencies and colleges and universities would be responsible for the recruitment, selection, and enrollment of Teachers Corps mem-

90TH CONGRESS
1ST SESSION

S. 1028

IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 1967

Referred to the Committee on Post Office and Civil Service

AN ACT

To amend title 5, United States Code, to extend certain benefits to former employees of county committees established pursuant to section 8 (b) of the Soil Conservation and Domestic Allotment Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 5534 of title 5, United States Code, is amended
4 by adding at the end thereof the following new subsection:
5 “(f) An employee of a county committee established
6 pursuant to section 8 (b) of the Soil Conservation and
7 Domestic Allotment Act (16 U.S.C. 590h (b)) may upon
8 appointment to a position under the Department of Agri-
9 culture, subject to this subchapter, have his initial rate of

1 basic pay fixed at the minimum rate of the appropriate grade,
2 or at any step of such grade that does not exceed the highest
3 previous rate of basic pay received by him during service with
4 such county committee.”

5 SEC. 2. (a) Subchapter I of chapter 63 of title 5, United
6 States Code, is amended by adding at the end thereof the
7 following new section:

8 “SEC. 6312. Service rendered as an employee of a
9 county committee established pursuant to section 8 (b) of the
10 Soil Conservation and Domestic Allotment Act (16 U.S.C.
11 590 (b)), or of a committee or an association of producers
12 described in section 10 (b) of the Agricultural Adjustment
13 Act of May 12, 1933 (48 Stat. 37), shall be included in
14 determining years of service for the purpose of section
15 6303 (a) of this title in the case of any officer or employee
16 in or under the Department of Agriculture. The provisions
17 of section 6308 of this title for transfer of annual and sick
18 leave between leave systems shall apply to the leave system
19 established for such employees.”

20 (b) The analysis of chapter 63 of title 5, United States
21 Code, is amended by adding the following new item immedi-
22 ately after item 6311:

“6312. Accrual and accumulation for former ASCS county office em-
ployees.”

1 SEC. 3. The second sentence of section 3502 (a) is
2 amended—

3 (1) by striking out the period at the end of sub-
4 paragraph (B) and inserting in lieu thereof a semicolon
5 and the word “and”; and

6 (2) by adding after subparagraph (B) the follow-
7 ing new subparagraph:

8 “(C) who is an employee in or under the De-
9 partment of Agriculture is entitled to credit for
10 service rendered as an employee of a county com-
11 mittee established pursuant to section 8 (b) of the
12 Soil Conservation and Domestic Allotment Act (16
13 U.S.C. 590h (b)), or of a committee or an associa-
14 tion of producers described in section 10 (b) of the
15 Agricultural Adjustment Act of May 12, 1933 (48
16 Stat. 37).”

Passed the Senate June 28, 1967.

Attest:

FRANCIS R. VALEO,

Secretary.

AN ACT

To amend title 5, United States Code, to extend certain benefits to former employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes.

JUNE 29, 1967

Referred to the Committee on Post Office and Civil
Service

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued March 28, 1968
For actions of March 27, 1968
90th-2nd; No. 51

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HIGHLIGHTS: House subcommittee approved bill to provide fringe benefits for ASC county committee employees. Senate adopted Hollings amendment to control textile imports.

SENATE

1. TAXATION. Continued debate on H. R. 15414, the tax adjustment bill (S3409, S3421-74, S3477). Agreed to, 55-31, the Hollings amendment to control textile imports (pp. S3423-47). Rejected, 18-47, a McGovern amendment (in the nature of a substitute for the Williams-Smathers-Lausche amendment) to eliminate its expenditure reductions and income tax surcharge and impose an excess profits tax (pp. S3448-54).

Both Houses

2. WATER POLLUTION. /received from Interior Volume II of the Department's first report on the national requirements and costs of water pollution control. (H. Doc. 291). pp. S3396, H2340
3. EXPORT-IMPORT BANK. Sen. Muskie announced hearings before the Banking and Currency Committee on Apr. 5 on S. 3218, the Export-Import Bank bill. pp. S3409-10
4. REORGANIZATION. Sen. Pearson urged the establishment of a new "Hoover-type Commission on the Operation of the Executive Branch" and inserted a supporting article. pp. S3411-12
5. FOREIGN AID. Sen. Byrd, Va., stated the Partners of the Alliance Program "has given thousands of our citizens an opportunity to become personally involved in helping the people of Latin America to help themselves" and inserted the remarks of Virginia's Governor Godwin at the Alliance Dinner. pp. S3413-14
6. FORESTRY; RESEARCH. Sen. Byrd, W. Va., commended the research centers being conducted by the Forest Service and inserted an article, "Off-Beat Benefits of Forestry Research." p. S3421

HOUSE

7. CHERRIES. Passed, 197-185, without amendment H. R. 4282, to amend the Agricultural Adjustment Act, as reenacted and amended, by the Agricultural Marketing Agreement Act of 1937, to permit the establishment of a marketing order for cherries for canning or freezing without the approval of the processors of cherries (pp. H2267-76). Rejected a motion to recommit the bill (p. H2275).
8. REORGANIZATION. The Daily Digest states that the Government Operations Committee "disapproved H. Res. 1101, disapproving Reorganization Plan No. 1; and ordered reported favorably to the House H. R. 15688, amended, extending the reorganization plan." p. D257
9. CONSERVATION. The Interior and Insular Affairs Committee voted to report (but did not actually report) H. R. 8578, amended, land and water conservation fund amendments. p. D257
10. SALINE WATER. The Interior and Insular Affairs Committee voted to report (but did not actually report) S. 2912, amended, saline water conversion authorization. p. D257
11. CONTRACTS. The Interior and Insular Affairs Committee voted to report (but did not actually report) S. 1946, to amend the Foss Reservoir Master Conservancy District's repayment contract. pp. D257-8
12. FORESTRY. The Interior and Insular Affairs Committee voted to report (but did not actually report) H. R. 14074, to authorize construction of an entrance road at the Great Smoky Mountains National Park in N. C. p. D258
13. PERSONNEL. A subcommittee of the Post Office and Civil Service Committee approved for full committee consideration S. 1028, to provide fringe benefits for ASC county committee employees. p. D258

Committee Meetings

POULTRY PRODUCTS INSPECTION

Committee on Agriculture: Subcommittee on Livestock and Grain met in executive session and considered bills to amend the Poultry Products Inspection Act. No announcements were made.

REPROGRAMMING

Committee on Armed Services: Full committee met in executive session and approved four reprogramming actions. Testimony was heard from Dr. E. Rechlin, Director, Advance Research Projects Agency, Department of Defense; Dr. Robert N. Anthony, Assistant Secretary of Defense, Comptroller; Thomas D. Morris, Assistant Secretary of Defense, Installations and Logistics; and departmental witnesses.

ANTISUBMARINE WARFARE

Committee on Armed Services: Special Subcommittee on Antisubmarine Warfare met in executive session and considered antisubmarine warfare. Testimony was heard from Vice Adm. T. F. Caldwell, Jr., U.S.N., Director, antisubmarine warfare program.

M-16 RIFLE

Committee on Armed Services: Subcommittee on the M-16 rifle met in executive session and considered the M-16 rifle. Testimony was heard from Dr. Robert A. Brooks, Assistant Secretary of the Army for Installations and Logistics; and Maj. Gen. Roland B. Anderson, Office of the Assistant Secretary of Defense for Installations and Logistics.

MILITARY CONSTRUCTION

Committee on Armed Services: Subcommittee on Military Construction continued hearings on H.R. 15784, 1969 military construction. Testimony was heard from Brig. Gen. J. C. Dalrymple and departmental witnesses.

HOUSING AND URBAN DEVELOPMENT

Committee on Banking and Currency: Subcommittee on housing continued hearings on H.R. 15624, Housing and Urban Development Act of 1968, and H.R. 15625, cooperative insurance. Testimony was heard from Floyd Hyde, mayor, Fresno, Calif., and public witnesses.

TEACHER'S SALARIES

Committee on the District of Columbia: Special Investigating Subcommittee approved for full committee action a clean bill in lieu of H.R. 14051, to amend the D.C. Teacher's Salary Act.

HIGHER EDUCATION

Committee on Education and Labor: Special Subcommittee on Education met in executive session and considered H.R. 15067, higher education amendments. No announcements were made.

VOCATIONAL REHABILITATION

Committee on Education and Labor: Select Subcommittee on Education continued hearings on H.R. 15827, Vocational Rehabilitation Act. Testimony was heard from public witnesses.

WELFARE AND PENSION PLAN PROTECTION

Committee on Education and Labor: General Subcommittee on Labor continued hearings on H.R. 5741, Welfare and Pension Plan Protection Act. Testimony was heard from public witnesses.

TRUST FUNDS

Committee on Education and Labor: Special Subcommittee on Labor held a hearing on H.R. 14314, trust funds for scholarships and child-care centers. Testimony was heard from public witnesses.

FOREIGN AID

Committee on Foreign Affairs: Met in executive session and continued consideration of foreign aid. Testimony was heard from James P. Grant, Assistant Administrator of AID for Vietnam; Philip C. Halib, Deputy Assistant Secretary of State for East Asian and Pacific Affairs; and Richard C. Steadman, Deputy Assistant Secretary of Defense for East Asia and Pacific Affairs.

EAST-WEST TRADE

Committee on Foreign Affairs: Subcommittee on Europe continued hearings on East-West trade. Testimony was heard from departmental witnesses.

REORGANIZATION

Committee on Government Operations: Met in executive session and disapproved H. Res. 1101, disapproving Reorganization Plan No. 1; and ordered reported favorably to the House H.R. 15688, amended, extending the reorganization plan.

The committee also approved the following reports: "Unshackling Local Government" (rev. ed.); "Scientific Brain Drain from Developing Countries."

LAND AND WATER CONSERVATION

Committee on Interior and Insular Affairs: Met and ordered reported favorably to the House H.R. 8578, amended, land and water conservation fund amendments.

SALINE WATER

Committee on Interior and Insular Affairs: Ordered reported favorably to the House S. 2912, amended, saline water conversion authorization.

FOSS RESERVOIR CONTRACT

Committee on Interior and Insular Affairs: Ordered reported favorably to the House S. 1946, to amend the

Foss Reservoir Master Conservancy District's repayment contract.

GREAT SMOKY MOUNTAINS NATIONAL PARK

Committee on Interior and Insular Affairs: Ordered reported favorably to the House H.R. 14074, authorizing construction of an entrance road at the Great Smoky Mountains National Park in North Carolina.

CAPE HATTERAS NATIONAL SEASHORE

Committee on Interior and Insular Affairs: Ordered reported favorably to the House S. 561, to authorize the appropriation of funds for Cape Hatteras National Seashore.

CORPORATION FOR PUBLIC BROADCASTING

Committee on Interstate and Foreign Commerce: Subcommittee on Communications and Power held a hearing on H.R. 15986, to extend authorization for the Corporation for Public Broadcasting. Testimony was heard from William Cary, Assistant Director, Bureau of the Budget, and a public witness.

AVIATION SAFETY

Committee on Interstate and Foreign Commerce: Subcommittee on Transportation and Aeronautics continued hearings on aviation safety. Testimony was heard from F. Lee Bailey and other public witnesses.

REGIONAL HEALTH PROGRAMS

Committee on Interstate and Foreign Commerce: Subcommittee on Public Health and Welfare continued hearings on H.R. 15758, regional health programs. Testimony was heard from Dr. Michael DeBakey and other public witnesses.

FEDERAL EDUCATION GRANTS

Committee on the Judiciary: Subcommittee No. 3 continued hearings on S. 3 and H.R. 1198, judicial review of constitutionality of Federal education grants. Testimony was heard from public witnesses.

PRIVATE CLAIMS BILLS

Committee on the Judiciary: Subcommittee No. 2 met in executive session and acted on several private claims bills.

IMMIGRATION AND NATIONALITY ACT

Committee on the Judiciary: Subcommittee No. 1 held a hearing on H.R. 15450, to amend the Immigration and Nationality Act. Testimony was heard from departmental witnesses.

MARITIME PROGRAM

Committee on Merchant Marine and Fisheries: Subcommittee on Merchant Marine continued hearings on H.R. 15189, maritime authorization. Testimony was heard from Lawrence E. Imhoff, Deputy Assistant Secretary of Commerce for Administration; James W.

Gulick, Acting Maritime Administrator; and Philip S. Hughes, Bureau of the Budget.

ASCS

Committee on Post Office and Civil Service: Subcommittee on Manpower and Civil Service met in executive session and approved for full committee action S. 1028, with technical amendments, ASCS county office employees.

The subcommittee also held a hearing on wage board pay system in the Defense Department. Testimony was heard from Alfred Fitt, Assistant Secretary of Defense.

DISCIPLINARY ACTIONS

Committee on Post Office and Civil Service: Subcommittee on Postal Operations met in executive session and approved for full committee action H.R. 15387, to provide for penalties for assaulting a postal field employee.

PAY ADJUSTMENTS

Committee on Post Office and Civil Service: Subcommittee on Postal Operations met in executive session and approved for full committee action H.R. 15395, amended (sec. 2), to provide salary step advancements and adjustments for employees moving to and from different pay systems.

PROJECT REVISIONS

Committee on Public Works: Subcommittee on Public Buildings and Grounds met in executive session and approved seven project revisions.

STANDARDS

Committee on Rules: Held a hearing on H. Res. 1099, to continue the Committee on Standards of Official Conduct as a permanent standing committee of the House.

FEDERAL LABORATORIES

Committee on Science and Astronautics: Subcommittee on Science, Research, and Development continued hearings on utilization of Federal laboratories. Testimony was heard from departmental witnesses.

CEMETERY ADMINISTRATION

Committee on Veterans' Affairs: Subcommittee on Cemeteries and Burial Benefits continued hearings on cemetery administration. Testimony was heard from public witnesses.

BALANCE OF PAYMENTS

Committee on Ways and Means: Met in executive session and ordered reported favorably to the House H.R. 16241, travel tax.

Joint Committee Meetings

AEC AUTHORIZATIONS

Joint Committee on Atomic Energy: Committee met in executive session to mark up S. 2880 and H.R. 14905,

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued April 5, 1968
For actions of April 4, 1968
90th-2nd; No. 57

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HIGHLIGHTS: House agreed to supplemental appropriation conference report. House committee voted to report bill to provide fringe benefits for ASC county committee employees.

HOUSE

1. **APPROPRIATIONS.** Agreed to the conference report on H. R. 15399, the urgent supplemental appropriation bill (pp. H2610-22). For conferees' recommendations see Digest 56. Agreed, 199-189, to an amendment by Rep. Mahon to the item for education aid in Federally impacted areas which was reported in disagreement (pp. H2621-22). Rep. Mahon's amendment would provide \$20,810,000 for school assistance in Federally affected areas, to be derived from another fund.

The Appropriations Committee reported H. R. 16489, the Treasury-Post Office Executive Office, and independent agencies appropriation bill for 1969 (H. Rept. 1284). p. H2649

2. HOLIDAYS. The Judiciary Committee reported without amendment H. R. 15951, to provide for uniform annual observances of certain legal public holidays on Mondays (H. Rept. 1280). p. H2649
3. REORGANIZATION. The Government Operations Committee reported with amendment H. R. 15688, to extend for an additional four years President's authority to submit reorganization plans (H. Rept. 1283). p. H2649
4. COUNTY COMMITTEES. The Post Office and Civil Service Committee voted to report (but did not actually report) S. 1028, to provide fringe benefits for ASC county committee employees. p. D299
5. TRANSPORTATION TAX. Passed, 279-102, with a technical amendment H. R. 16241, to extend the existing 5-percent tax on air fares to international flights and reduce the value of foreign goods returning tourists may bring into the U. S. free of duty. Rep. Smith stated that recommendations in the bill are based on proposals presented by the administration "designed to reduce the balance-of-payments deficit of the United States to a manageable level." pp. H2575-81
6. ATOMIC ENERGY. Passed, 381-14, without amendment H. R. 16324, to authorize appropriations to the Atomic Energy Commission (includes items for research and the cooperative power reactor demonstration program and the isotopes development program which involves the use of radioisotopes for combating environmental pollution, and the radiation preservation of foods). pp. H2581-610
7. SALINE WATER. Passed as reported S. 2912, to authorize additional appropriation of \$24,556,000 for the saline water conversion program. pp. H2622-4, H2633-4
8. EDUCATION. Rep. Pucinski spoke in support of his bill to "overhaul" the vocational education programs and inserted a table of the existing programs in the D. C. area. pp. H2644-7
9. POVERTY. Rep. Farbstein stated that "the emergency small loan program is one of the best antipoverty programs in the Nation" and inserted the texts of several case histories of recipients of family emergency small loans. pp. H2631-2
10. LEGISLATIVE PROGRAM. Rep. Albert announced that on Tues. the House will consider the Treasury-Post Office Depts. appropriation bill and on Wed. and the balance of the week the civil rights bill, and the Government employees travel bill. p. H2624
11. ADJOURNED until Mon., Apr. 8. p. H2648

SENATE

12. TRANSPORTATION. Passed as reported S. 2658, to raise the allowable motor-vehicle weight and width limitations on Federal-aid highways. pp. S3863-4, S3871, S3874-86
13. COSPONSORS. Sen. Cotton was added as a cosponsor of S. 2951, to determine the authority of the States to control and manage fish and wildlife within their

DIGEST of Congressional Proceedings

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HIGHLIGHTS: House committee reported bill to provide fringe benefits for ASC county committee employees. House committee voted to report farm bill. Conferees agreed to file report on tax-expenditure bill. Sen. Mondale introduced and discussed East-West trade bill. Sen. Hartke submitted and discussed measure to increase farm disaster loans.

HOUSE

1. COUNTY COMMITTEES. The Post Office and Civil Service Committee reported with amendment S. 1028, to provide fringe benefits for ASC county committee employees (H. Rept. 1371). p. H3642
2. CREDIT UNIONS. The Banking and Currency Committee reported with amendment H. R. 14907, to amend the Federal Credit Union Act (H. Rept. 1372). p. H3642

3. APPROPRIATIONS. Passed without amendment H. J. Res. 1268, making supplemental appropriations for fiscal year 1968 for highways and certain claims (pp. H3572-73). The bill was reported earlier by the Appropriations Committee (H. Rept. 1373) (p. H3642).
4. TAXATION; EXPENDITURES. The "Daily Digest" states that the conferees "agreed to file a conference report on the differences between the Senate- and House-passed versions of H. R. 15414," the tax and expenditure control bill (p. D417). Rep. Vanik deplored the conferees' "demanding... the \$6 billion budget cut as a condition for the surtax" (p. H3519).
5. EDUCATION. Passed, 348-5, with amendments H. R. 16729, to amend legislation regarding higher education (pp. H3522-72). Rejected a motion by Rep. Gross to recommit the bill with instructions that "no funds authorized by this Act shall exceed by 80 percent the sums herein authorized" (p. H3571).
6. FARM PROGRAM. The Agriculture Committee voted to report (but did not actually report) H. R. 17126, to extend for 1 year the Food and Agriculture Act of 1965 (p. D416) and the committee was granted until midnight Sat. May 11 to file a report (p. H3572).
7. HOLIDAYS. Passed without amendment H. R. 15951, by a vote of 212-83, to provide for uniform annual observances of certain legal public holidays on Mondays (pp. H3573-602). Rejected a motion, 141-153, by Rep. Poff to recommit the bill with instructions that Washington's Birthday be observed on Feb. 22 (pp. H3600-1).
8. ELECTRIFICATION. Rep. Price, Ill., commended the Rural Electrification Adm. programs and inserted Administrator Clapp's annual report. pp. H3620-1
9. HOUSING. Rep. Dorn inserted the President's remarks upon the signing of H. R. 10477, the Veterans' Administration housing law amendment. pp. H3621-3
10. PEANUTS. Received a GAO report of "peanut price-support programs of the Commodity Credit Corporation." p. H3642

SENATE

11. TAXATION; EXPENDITURES. The "Daily Digest" states the Appropriations Committee met in executive session to hear Sen. Long, La., "explain agreement to reduce Federal expenditures by \$6 billion", which agreement was reached by the conferees on Wed., May 8, in connection with H.R. 15414, the proposed Revenue and Expenditure Control Act of 1968. p. D414
Sen. Mansfield said that he hoped that before the conferees reached final agreement on the tax and expenditures bill they would furnish the membership of both Houses with a bill of particulars as to where they think these reductions should be applied. pp. S5185-6
12. SUPPLEMENTAL APPROPRIATIONS. The "Daily Digest" states the Appropriations Committee approved H.J. Res. 1268, making supplemental appropriations for fiscal year 1968 for highways and certain claims. p. D414

FEDERAL EMPLOYMENT CONDITIONS FOR FORMER EMPLOYEES OF AGRICULTURAL COUNTY COMMITTEES

MAY 9, 1968.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. HENDERSON, from the Committee on Post Office and Civil Service,
submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany S. 1028]

The Committee on Post Office and Civil Service, to whom was referred the bill (S. 1028) to amend title 5, United States Code, to extend certain benefits to former employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

AMENDMENTS

The amendments are as follows:

(1) Page 1, line 3, strike out "section 5534" and insert in lieu thereof "section 5334".

(2) Page 2, line 8, strike out "SEC. 6312. Service rendered as an employee of a".

and insert in lieu thereof:

"§ 6312. Accrual and accumulation for former ASCS county office employees.

"Service rendered as an employee of a".

(3) Page 2, line 11, strike out "590(b)" and insert in lieu thereof "590h(b)".

(4) Page 3, line 1, insert "of title 5, United States Code," immediately following "section 3502(a)".

EXPLANATION OF AMENDMENTS

The amendments made by the committee make four necessary technical changes in the bill as passed by the Senate.

PURPOSE OF S. 1028

The purpose of this legislation is to facilitate the hiring of qualified personnel in positions in the Department of Agriculture by removing certain impediments to the recruitment of experienced county committee employees of the Agricultural Stabilization and Conservation Service (ASCS).

PROVISIONS OF S. 1028

Enactment of S. 1028 will provide for desirable changes in the conditions under which ASCS personnel may enter into Federal employment with the Department of Agriculture, as follows:

(1) The Department of Agriculture will be enabled to place the employee in a civil service position at a salary step which is comparable to, but does not exceed, his prior county salary rate.

(2) The employee's annual and sick leave will be transferred to the new position in the Department of Agriculture.

(3) The employee's former county committee employment service will be creditable for leave earning purposes and reduction-in-force purposes in the new position in the Department of Agriculture.

STATEMENT

There are approximately 14,600 county employees with the ASCS program distributed among the States as follows:

Number of permanent employees in ASCS county offices

<i>State</i>	<i>County employees</i>	<i>State</i>	<i>County employees</i>
1. Alabama.....	456	27. Nebraska.....	563
2. Alaska.....	4	28. Nevada.....	19
3. Arizona.....	51	29. New Hampshire.....	18
4. Arkansas.....	369	30. New Jersey.....	33
5. California.....	205	31. New Mexico.....	106
6. Colorado.....	192	32. New York.....	199
7. Connecticut.....	17	33. North Carolina.....	688
8. Delaware.....	14	34. North Dakota.....	400
9. Florida.....	155	35. Ohio.....	438
10. Georgia.....	655	36. Oklahoma.....	459
11. Hawaii.....	5	37. Oregon.....	120
12. Idaho.....	144	38. Pennsylvania.....	216
13. Illinois.....	615	39. Rhode Island.....	6
14. Indiana.....	455	40. South Carolina.....	340
15. Iowa.....	736	41. South Dakota.....	380
16. Kansas.....	637	42. Tennessee.....	547
17. Kentucky.....	432	43. Texas.....	1,378
18. Louisiana.....	292	44. Utah.....	73
19. Maine.....	36	45. Vermont.....	24
20. Maryland.....	74	46. Virginia.....	302
21. Massachusetts.....	21	47. Washington.....	132
22. Michigan.....	343	48. West Virginia.....	95
23. Minnesota.....	533	49. Wisconsin.....	308
24. Mississippi.....	439	50. Wyoming.....	73
25. Missouri.....	644		
26. Montana.....	181	Total.....	14,622

Service in the employment of the county committees is not Federal employment, although regulations issued by the Secretary of Agriculture are controlling in respect to classification of the positions, the rates of pay, procedures for filling vacancies, and all employment benefits. These regulations are nationwide in scope; but the county committee employees are hired by county committeemen and work under the direction of a county manager. The programs they carry on and the financing thereof, their salaries, and all other expenditures and expenses related thereto are paid from grants of Federal funds.

During fiscal year 1967, 82 county committee employees resigned their county positions to go to work for the Department of Agriculture. In moving from their committee jobs to the Department of Agriculture, many had to sacrifice pay and accumulated sick and annual leave. For example, last year a county manager left a county committee position for which he was paid the salary rate of level CO-9, step 5—the equivalent of the rate for Federal grade GS-9, step 5. This employee had to begin Federal employment at grade GS-9, step 1, and by this transfer lost \$1,044 a year in pay, as well as 800 hours of accumulated sick leave. Department of Agriculture officials have indicated to the committee that there are several similar current examples.

One of the most valuable sources of trained personnel for often hard-to-fill positions in the Department of Agriculture is, quite naturally, the very efficient and knowledgeable corps of employees of Agricultural Stabilization and Conservation county committees and of associations of producers under the Agricultural Adjustment Act. This reservoir of talent and expertise cannot be effectively used, however, because many such employees can accept appointments in the Department of Agriculture only at severe personal sacrifice.

Upon enactment of this legislation, Department of Agriculture officials estimate that as many as 130 county committee employees probably would agree each year to accept Federal positions offered them by the Department of Agriculture.

MERIT SYSTEMS REMAINS UNCHANGED

S. 1028 does not in any way change the continuing principle of the merit system required of a county employee going to work for the Department of Agriculture. A committee employee is employed under the very same merit principles applicable to any other employee. All employment prerequisites proposed in S. 1028 are conditioned upon appointment to a Federal position. They have no application to a committee employee so long as that employee works in his or her present position as a county committee employee.

PUBLIC HEARINGS

The Subcommittee on Manpower and Civil Service held public hearings on October 10, 1967, and took testimony from spokesmen for the administration and for employee organizations.

The representative of the Department of Agriculture strongly recommended enactment of S. 1028, and stressed a need for recruiting these county employees into the Department to fill responsible positions.

Representatives of various employee organizations, including the president of the National Association of ASCS County Office Employees and the national presidents of American Federation of Government Employees and National Federation of Federal Employees, recommended approval of S. 1028.

The U.S. Civil Service Commission recommended that, if S. 1028 is enacted, the benefits should be limited to employees in the Department of Agriculture, which the bill does. However, the Commission's first preference is to bring all county committee employees into the Federal Civil Service System.

In the judgment of the committee the proposal by the Civil Service Commission to bring all county committee employees into the Federal civil service system is neither desirable nor necessary. One of the fundamental principles of the Agricultural Stabilization and Conservation and the Agricultural Adjustment Act programs is that these programs be conducted in cooperation with the farmers and with grassroots independence of action by the farmers, free from unwarranted interference from the Central Government in Washington. The system has worked well, with the farmers electing their own representation in the form of county committees which, in turn, employ staff as needed for successful operation of the programs. The county committees and their employees, therefore, provide the intended buffer between the Federal bureaucracy and the farmer. It is the view of the Committee on Post Office and Civil Service that all that is necessary to facilitate maximum utilization of these employees can and should be accomplished by the enactment of S. 1028, without disturbing those fundamental principles.

Cost

The committee believes that any additional cost resulting from the benefits granted by this legislation will be minimal, and will be more than offset by the better manpower utilization and greater efficiency realized through the appointment of trained and able men in responsible positions in the Department of Agriculture.

AGENCY REPORTS

The official reports of the Bureau of the Budget, the U.S. Civil Service Commission, and the Department of Agriculture follow:

EXECUTIVE OFFICE OF THE PRESIDENT,

BUREAU OF THE BUDGET,

Washington, D.C., August 15, 1967.

HON. THADDEUS J. DULSKI,

*Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: Reference is made to the committee's request for the views of the Bureau of the Budget respecting H.R. 6299, to extend certain pay, leave, and retention preference benefits under title 5, United States Code, to employees of the agricultural county committees, and for other purposes.

H.R. 6299 would establish those Federal employees in any agency who were once employed by an ASC county committee as a select

class of Federal employees to receive higher payments than would otherwise be made, in the form of higher base pay within the grade, and greater longevity credit for retention purposes for ASC service rendered prior to July 10, 1960. A similar proposal, S. 1028, has recently passed the Senate and is now pending before your committee. That bill would limit the impact of the special preference granted these employees by restricting its application to employment by the Department of Agriculture.

As you know, this Bureau has always opposed the grant of special benefits—retirement coverage, other direct cash payments, longevity credit, etc.—to any group of employees based upon prior service rendered another employer. The structure of Federal employee benefits which have been legislated for the employees of ASC county committees is a case in point. Although concededly not Federal employees, the ASC county committee employees have been allowed to participate in practically all of the fringe benefits incident to Federal employment. No corresponding increase in Federal supervision, direction, or responsiveness of their activities has accompanied the grant of benefits.

In the absence of other considerations we believe the best solution in the existing situation would be to federalize employees at the county committee level, as is already true of employees of State ASC offices. Following the approach recently adopted by the administration for National Guard technicians, the committee employees would be converted to direct Federal employee status, employed by and directly responsible to, the Department of Agriculture, subject to rules and standards governing Federal employment generally.

If, notwithstanding the foregoing, the Congress regards this group of employees as sufficiently unique to warrant the special treatment proposed by H.R. 6299, the Bureau believes that the bill should be restricted to employment in the Department of Agriculture; and further, that it should be made clear that such action would not serve as a precedent for granting similar benefits to other groups based on non-Federal employment.

Sincerely yours,

WILFRED H. ROMMEL,
*Assistant Director for
Legislative Reference.*

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., August 15, 1967.

HON. THADDEUS J. DULSKI,
*Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in reply to your request for the views of the Civil Service Commission on H.R. 6299, a bill to extend certain pay, leave, and retention preference benefits under title 5, United States Code, to employees of the agricultural county committees, and for other purposes.

This legislation would extend Federal service credit for non-Federal service performed with Agricultural Stabilization and Conservation Service county committees. Section 1 would permit the Federal salary of a former county office employee to be set at a higher than the mini-

mum entry rate of the grade. Section 2 would authorize the transfer of accumulated annual and sick leave earned in county office employment to the accounts of those who move to Federal positions. Section 3 would authorize the crediting of county office service performed prior to July 10, 1960, for employment retention purposes. All of these benefits and privileges would be made available to any county office employee moving to any Federal position in any Federal agency.

H.R. 6299 is the latest in a long history of proposals to extend the benefits and privileges of Federal employment to ASC county office personnel. It is similar to bills introduced in the last two Congresses. The Civil Service Commission has considered all of the previous bills undesirable, and takes the same view with respect to H.R. 6299.

This legislation would accord preferential treatment not available to any other groups. Its enactment would open the way for other non-Federal personnel employed in federally sponsored or federally assisted programs to claim similar special advantages. Ultimately this could result in the establishment of a broad precedent that any work financed in whole or in part by the Federal Government, or carried on in close cooperation with it, provides an adequate basis to grant those who do the work any and all the benefits of Federal employment. It is noted there are already close to 200 Federal grant-in-aid programs, along with a variety of other Federal-State cooperative programs. The number of non-Federal personnel employed in these programs is in the hundreds of thousands.

In raising this issue there is no intention to advocate a closed, rigid structure of personnel policies and benefits. The Civil Service Commission is very much interested in, and is working toward, facilitating mobility of personnel between the Federal Government and other levels of Government, and other organizations. However, in facilitating these arrangements, the Commission is concerned to maintain clear-out distinctions between the systems involved, to establish relations with other systems on a reciprocal basis, and to keep benefits consonant with the rights and obligations of employment.

Aside from these considerations, the Commission has long been troubled by the unclear status of ASC county office personnel. Ostensibly, they are non-Federal employees of farmer-elected, farmer-composed committees of private citizens. Yet over the years a combination of legislation and regulation has made it extremely difficult to determine what their status really is. They are treated as if they were Federal employees for most of the benefits of Federal employment, but not for the rights, protections, and obligations of the veteran preference laws, the laws restricting political activity, and others. They serve under an employment system drawn up and controlled by the Department of Agriculture which provides for review of individual personnel actions at the Federal level. Yet they remain outside of the Federal Service in order to preserve a semblance of local control by farmer committees. Because they are not actually Federal employees, they receive no credit for their county office service in Federal employment and this acts as a deterrent to their recruitment for positions in the Department of Agriculture.

The enactment of this legislation would probably ease whatever recruiting problem may exist, but at the same time it would further complicate the unclear relationship between these personnel and the Federal Government and have other undesirable consequences previously cited.

There is another approach which the Commission has felt would provide a better way of accomplishing the objectives of this legislation. It would be to enact legislation making county office employees full-fledged Federal employees of the Department of Agriculture, subject not only to the benefits of Federal employment but to all the obligations and protections as well. Such legislation would end the "in between" status of county office personnel and place them directly in the mainstream of career progression in the Department of Agriculture. This same approach has been recommended for another group of non-Federal personnel whose status is somewhat comparable—National Guard technicians—and a number of bills have been introduced in this Congress to effect this.

Under the approach contemplated by the Civil Service Commission, county office incumbents holding regular appointments would be automatically brought into the competitive civil service as career-conditional or career employees depending on length of service without having to take an examination. However, future appointments to county office positions would be made under competitive civil service procedures.

It has been suggested that this approach would alter the concept of local control over farm programs by county committees. Actually, under this approach local policy and decisionmaking authority over farm programs would still be left in the hands of the committees. All they would lose would be the limited authority they now have over the employment and retention of county office personnel.

The Commission, of course, recognizes that there are other viewpoints and other considerations. Many of the benefits of Federal employment have already been bestowed on these employees by act of Congress over a Presidential veto. When viewed in this light, it can be seen how this bill can be considered an extension of previously established policy with respect to these employees. The fact that legislation similar to this bill has been introduced time and again is evidence of a deep and continuing interest in seeing that the benefits proposed are granted without changing the status of the employees.

If the Congress decides to give favorable consideration to this bill, the Commission would strongly urge that a statement be included in the record to the effect that this legislation is not intended to serve as a precedent for granting Federal service credit for non-Federal service with other groups. The Commission would also urge, if this legislation is enacted, that at some future time the Congress give further consideration to making these employees fully Federal.

In addition the Commission requests that certain changes be made in this bill to bring it closer into line with its apparent objective and to limit the possibility of other employees being adversely affected by its retention credit feature in reduction-in-force situations.

The apparent objective of this legislation is to enable the Department of Agriculture to recruit county office employees for ASCS positions at the State and National levels. However, the benefits proposed under H.R. 6299 would be granted without regard to the agency or position to which a former ASC county office employee moved. In reduction-in-force situations this would mean that a former county office employee who, for example, occupied a position in the Department of the Interior or the Federal Power Commission or the Department of Health, Education, and Welfare, or some other agency could

use his county office service to displace a Federal employee with longer overall Federal service.

It is therefore suggested that H.R. 6299 be amended to limit its applicability to county office employees who accept positions in the Department of Agriculture. This can be accomplished by making the following changes:

On page 1, line 7, insert "in the Department of Agriculture" between "position" and "under".

On page 2, the parenthetical clause starting on line 8 should be revised to read: "(including the annual and sick leave to the credit of an individual employed by a county committee established under 590h (b) of title 16 who is appointed without a break in service to a position in the Department of Agriculture to which this subchapter applies)".

On page 2, the last line of section 3 should be revised to read: "610 (b) of title 7 as long as the employee holds a position in the Department of Agriculture."

The Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to the submission of this report.

By direction of the Commission:

Sincerely yours,

JOHN W. MACY, Jr., *Chairman.*

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 9, 1967.

HON. THADDEUS J. DULSKI,
*Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in reply to your request of March 8, 1967, for a report on H.R. 6299, a bill to extend certain pay, leave, and retention preference benefits under title 5, United States Code, to employees of the agricultural county committees, and for other purposes.

This Department strongly recommends that the bill be passed with amendments.

The bill provides that ASC county committee employees who separate from their positions to accept appointment to positions in the Federal Civil Service System will receive the following benefits:

1. County committee employees moving to positions under the Classification Act may have their rate of compensation set at a rate which would eliminate or minimize reductions in salary now required in many cases.

2. Annual and sick leave to the credit of county committee employees shall be transferred with them to other positions on the same basis as transfers between leave systems provided in the Annual and Sick Leave Act.

3. County committee employee service performed prior to July 10, 1960, will be creditable service for seniority purposes in connection with the application of reduction-in-force procedures.

These employees are a primary source of candidates to fill key positions in ASCS State offices. This reservoir of talented personnel with years of invaluable experience in the Department's programs at the grass roots level also provides the source for filling many other positions within the Department.

Currently the salary rate paid a county committee employee is not used in establishing the salary rate applicable to his appointment to a position under the Classification Act. For example, county committee employees at grade GS-9 have the same salary rates for each step of the grade as an employee serving under the Classification Act occupying a position at grade GS-9. An employee at GS-9, step 10, \$10,045 per annum, would upon appointment to a position at GS-9 be paid the first step, or \$7,696 per annum. He would, therefore, receive a salary cut of \$2,349 per annum. The same employee, if selected for a GS-11 position, would receive a salary cut of \$824 per annum even though he is being advanced to a higher level position. The Classification Act does provide for protecting the salary rates of persons appointed from positions not covered by the Classification Act, such as the Foreign Service of the State Department. This benefit is also extended to legislative and judicial employees.

Annual and sick leave to the credit of our county committee employees cannot be transferred with them when they accept appointment to positions under the Annual and Sick Leave Act. Many county committee employees have sizable annual and sick leave balances. The acceptance of a civil service position requires that they forfeit their sick leave balance and receive a lump sum payment for the annual leave balances.

Service as a county committee employee is not creditable service for purposes of the Annual and Sick Leave Act. A county committee employee with 15 years service earns 26 days annual leave each year. If this employee is appointed to a position under the Annual and Sick Leave Act, he would earn only 13 days of annual leave each year. It is recommended that the bill be amended to provide for the crediting of county committee employee service under the Annual and Sick Leave Act. This can be accomplished by adding the following as a section to H.R. 6299:

"Section 6303(a) of title 5, United States Code, is amended by adding at the end thereof the following sentence: 'Service as an employee of a county committee established under section 590h(b) of title 16 or of a committee or an association of producers described by section 610 (b) of title 7 shall be used in determining years of service.'"

The section of the bill relating to the Veterans' Preference Act would credit county committee employee service performed prior to July 10, 1960, for seniority purposes in connection with reduction-in-force actions. Currently county committee employees entering civil service positions do not receive such credit. They are treated for reduction-in-force purposes as employees entering the Government service for the first time. This Department does recommend that the words "before July 10, 1960," be eliminated from line 17 on page 2. This change would permit the crediting of all county committee employee service.

H.R. 6299 as currently written would apply to a county committee employee moving to any civil service position. During the 89th Con-

gress, your committee considered comparable legislation, H.R. 2452; however, that bill was amended prior to reporting it to the House floor restricting the benefits to county committee employees moving to civil service positions in the Department of Agriculture. The Senate Post Office and Civil Service Committee also reported a bill (S. 2206, 89th Cong.) providing civil service benefits only to county committee employees moving to civil service positions in the Department of Agriculture.

This Department recommends that H.R. 6299 be amended to apply only to county committee employees moving to civil service positions in the Department of Agriculture.

The enactment of this legislation would not require additional appropriations.

The Bureau of the Budget advises that there is no objection to the presentation of this report but that its views are contained in a separate report which it is making on the bill.

Sincerely yours,

ORVILLE L. FREEMAN.

U.S. DEPARTMENT OF AGRICULTURE,
AGRICULTURAL STABILIZATION AND
CONSERVATION SERVICE,
Washington, D.C., October 20, 1967.

HON. DAVID N. HENDERSON,
*Chairman, Subcommittee on Manpower and Civil Service Commission,
House of Representatives, Washington, D.C.*

DEAR MR. HENDERSON: During the hearing, October 10, 1967, on S. 1028 and H.R. 6299, testimony was presented on the Civil Service System as a distinctive, self-contained system with an interdependent set of employee rights, obligations, and benefits. References were also made to the use of Civil Service employees of the Farmers Home Administration (FHA) serving FHA county committees locally.

With further reference to the material on county employees hired by ASC county committees, transmitted by separate letter, we submit this short statement regarding the above testimony.

In modern practice, we see Civil Service as a system made up of several distinct types of employment, responsive to the need for flexibility. The system, while still comprehensive, is not really "self-contained" and "specifically designed" for Federal employment defined by rigid criteria. We need only look at public employment in the legislative and judicial branches, and—within the executive branch—at employment status in such establishments as the Federal Bureau of Investigation, Central Intelligence Agency, Selective Service System, Foreign Service, under the noncompetitive schedules A, B, and C, and in a large number of cooperative programs to recognize the divergence in employment systems in appropriate situations. Recommendations for the extension of benefits for equity and improved administration do not harm the Federal personnel system. On the contrary, they improve the comprehensive system if they are time-tested, and have been proved worthwhile.

The benefit proposals for our county employees do not provide for "benefits in a piecemeal manner for noncompetitive entry into [the]

system". On the contrary, they apply only after the beneficiary enters the Civil Service System competitively.

Regarding the comparison with FHA county committees mentioned in the course of the hearing, we make the following observations. ASC county committees, by law, are elected, and serve with full responsibility for farm program administration in the county. FHA committeemen are appointed under the authority of the Secretary of Agriculture. The function of the committee is limited to determining loan eligibility. Continuing loan program administration is a responsibility of the regular field organization, with a direct line of authority from the county loan supervisor up through the FHA State director.

We present this explanatory material for further clarification of our county situation, which is not always understood by other executive agencies, for such use in the record as you may consider appropriate.

Sincerely yours,

RAY FITZGERALD,
Deputy Administrator, State and County Operations.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 5, UNITED STATES CODE

* * * * *

CHAPTER 35—RETENTION PREFERENCE, RESTORATION, AND REEMPLOYMENT

* * * * *

SUBCHAPTER 1—RETENTION PREFERENCE

* * * * *

§ 3502. Order of retention

(a) The Civil Service Commission shall prescribe regulations for the release of competing employees in a reduction in force which give due effect to—

- (1) tenure of employment;
- (2) military preference, subject to section 3501(a)(3) of this title;
- (3) length of service; and
- (4) efficiency or performance ratings.

In computing length of service, a competing employee—

(A) who is not a retired member of a uniformed service is entitled to credit for the total length of time in active service in the armed forces; and

(B) who is a retired member of a uniformed service is entitled to credit for—

(i) the length of time in active service in the armed forces during a war, or in a campaign or expedition for which a campaign badge has been authorized; or

(ii) the total length of time in active service in the armed forces if he is included under section 3501(a)(3) (A), (B), or (C) of this title **[.]**; and

(C) *who is an employee in or under the Department of Agriculture is entitled to credit for service rendered as an employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)), or of a committee or an association of producers described in section 10(b) of the Agricultural Adjustment Act of May 12, 1933 (48 Stat. 37).*

(b) A preference eligible employee whose efficiency or performance rating is "good" or "satisfactory" or better than "good" or "satisfactory" is entitled to be retained in preference to other competing employees. A preference eligible employee whose efficiency or performance rating is below "good" or "satisfactory" is entitled to be retained in preference to competing nonpreference employees who have equal or lower efficiency or performance ratings.

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CHAPTER 53—PAY RATES AND SYSTEMS

* * * * *

SUBCHAPTER III—GENERAL SCHEDULE PAY RATES

* * * * *

§ 5334. Rate on change of position or type of appointment; regulations

(a) The rate of basic pay to which an employee is entitled is governed by regulations prescribed by the Civil Service Commission in conformity with this subchapter and chapter 51 of this title when—

(1) he is transferred from a position in the legislative, judicial, or executive branch to which this subchapter does not apply;

(2) he is transferred from a position in the legislative, judicial, or executive branch to which this subchapter applies to another such position;

(3) he is demoted to a position in a lower grade;

(4) he is reinstated, reappointed, or reemployed in a position to which this subchapter applies following service in any position in the legislative, judicial, or executive branch;

(5) his type of appointment is changed;

(6) his employment status is otherwise changed; or

(7) his position is changed from one grade to another grade.

(b) An employee who is promoted or transferred to a position in a higher grade is entitled to basic pay at the lowest rate of the higher grade which exceeds his existing rate of basic pay by not less than two step-increases of the grade from which he is promoted or transferred. If, in the case of an employee so promoted or transferred who is receiving basic pay at a rate in excess of the maximum rate of his grade, there is no rate in the higher grade which is at least two step-increases above his existing rate of basic pay, he is entitled to—

(1) the maximum rate of the higher grade; or

(2) his existing rate of basic pay, if that rate is the higher.

If an employee so promoted or transferred is receiving basic pay at a rate saved to him under section 5337 of this title on reduction in grade, he is entitled to—

(A) basic pay at a rate two steps above the rate which he would be receiving if section 5337 of this title were not applicable to him; or

(B) his existing rate of basic pay, if that rate is the higher.

(c) An employee in the legislative branch who is paid by the Secretary of the Senate or the Clerk of the House of Representatives, and who has completed two or more years of service as such an employee, and a Member of the Senate or House of Representatives who has completed two or more years of service as such a Member, may, on appointment to a position to which this subchapter applies, have his initial rate of pay fixed—

(1) at the minimum rate of the appropriate grade; or

(2) at a step of the appropriate grade that does not exceed the highest previous rate of pay received by him during that service in the legislative branch.

(d) The Commission may prescribe regulations governing the retention of the rate of basic pay of an employee who together with his position is brought under this subchapter and chapter 51 of this title. If an employee so entitled to a retained rate under these regulations is later demoted to a position under this subchapter and chapter 51 of this title, his rate of basic pay is determined under section 5337 of this title. However, for the purpose of section 5337 of this title, service in the position which was brought under this subchapter and chapter 51 of this title is deemed service under this subchapter and chapter 51 of this title.

(e) The rate of pay established for a teaching position as defined by section 901 of title 20 held by an individual who becomes subject to subsection (a) of this section is deemed increased by 20 percent to determine the yearly rate of pay of the position.

(f) An employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) may upon appointment to a position under the Department of Agriculture, subject to this subchapter, have his initial rate of basic pay fixed at the minimum rate of the appropriate grade, or at any step of such grade that does not exceed the highest previous rate of basic pay received by him during service with such county committee.

CHAPTER 63—LEAVE

SUBCHAPTER I—ANNUAL AND SICK LEAVE

Sec.

- 6301. Definitions.
- 6302. General provisions.
- 6303. Annual leave; accrual.
- 6304. Annual leave; accumulation.
- 6305. Home leave; leave for Chiefs of Missions.
- 6306. Annual leave; refund of lump-sum payment; recredit of annual leave.
- 6307. Sick leave; accrual and accumulation.
- 6308. Transfers between positions under different leave systems.
- 6309. Leave of absence; rural carriers.
- 6310. Leave of absence; aliens.
- 6311. Regulations.
- 6312. *Accrual and accumulation for former ASCS county office employees.*

§ 6312. *Accrual and accumulation for former ASCS county office employees*

Service rendered as an employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)), or of a committee or an association of producers described in section 10(b) of the Agricultural Adjustment Act of May 12, 1933 (48 Stat. 37), shall be included in determining years of service for the purpose of section 6303(a) of this title in the case of any officer or employee in or under the Department of Agriculture. The provisions of section 6308 of this title for transfer of annual and sick leave between leave systems shall apply to the leave system established for such employees.

MINORITY VIEWS ON S. 1028

This is the third time in as many Congresses that the Post Office and Civil Service Committee has favorably considered the legislation embodied in S. 1028. Neither of the two previous bills were ever enacted, and S. 1028 should be similarly rejected.

The bill is strongly opposed by both the Bureau of the Budget and the Civil Service Commission. In its adverse report on the legislation the Civil Service Commission points out that:

S. 1028 is the latest in a long history of proposals to extend the benefits and privileges of Federal employment to ASC county office personnel. It is similar to bills introduced in the last two Congresses. The Civil Service Commission has considered all of the previous bills undesirable, and takes the same view with respect to S. 1028.

In brief, the legislation would grant salary, leave, and retention credit in Federal employment for service performed as an employee of an Agricultural Stabilization and Conservation Service County Committee. It would also permit the transfer of unused annual and sick leave earned in county committee employment to the accounts of former county committee personnel who enter the Federal service.

UNFAIR AND DISCRIMINATORY

S. 1028 is extremely unfair and discriminatory legislation. It is unfair to Federal employees in that it seeks to bestow important Federal employee benefits on non-Federal personnel. It is discriminatory in that it singles out one select group of non-Federal employees for these benefits to the exclusion of many other thousands who can claim similar special advantages.

SETS UNDESIRABLE PRECEDENT

The precedent enactment of S. 1028 would establish is completely undesirable. It would open the way for all other non-Federal personnel employed in federally sponsored or federally assisted programs to come to the Congress and lay claim to these same special advantages. It could lead to the establishment of broad precedents that any work financed in whole or in part by the Federal Government or carried on in close cooperation with it, provides an adequate basis to grant those who do the work any and all of the benefits of Federal employment. Examples of some of these other employees are the many thousands who work in post exchanges and commissaries; thousands of State employment service employees; employees and members of regional development committees or commissions, and hundreds of thousands of people who are engaged in a multitude of Federal-State cooperative programs.

SALARY CREDIT NOT GIVEN ALL FEDERAL EMPLOYEES

Another extremely disturbing aspect of S. 1028 is that the salary credit it gives to ASC employees is not now generally enjoyed by

Federal employees. Existing law does not now permit Federal employees to move with complete mobility and full salary protection between Federal salary systems. For example, when a Federal employee paid under the Classification Act moves into a position in the postal field service, with few exceptions, he must start at the entrance step of such position regardless of his existing salary under the Classification Act. In the case of a person who is employed by the Post Office Department in the departmental service at a GS-11, step 5, paying \$10,945 per annum, if moved to a field installation at PFS-11, he would be required to start at step 1, at \$8,846 per annum or a loss of \$2,099. There is simply no justification for granting these salary retention benefits to non-Federal employees who move into the Federal service when existing law does not provide the same benefits to all Federal employees who move or transfer between Federal salary systems.

With respect to the retention preference provision contained in S. 1028 this could result in the displacement of a long service career Federal employee by a former ASC county committee employee with much shorter Federal service. A Federal employee could have as much as 25 years of Federal service; the former ASC employee could conceivably displace him with only a few days of Federal service.

BETTER WAY TO GAIN OBJECTIVE

It is suggested that if the Congress deems it advisable to grant these salary, leave, and retention benefits to such non-Federal employees there is a much better way to accomplish this objective. The Civil Service Commission proposed that section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) be amended by conferring a clear-cut Federal function on county committees, and by declaring the employees Federal for all purposes, subject not only to the benefits of Federal employment, but to all the obligations and protections as well. The Commission believes that this proposal would clarify the status of these employees and put an end to the incongruous duality which insists on maintaining local control in name, but Federal control in substance. Until the law is changed as suggested, the Commission sees no basis for extending the privileges desired.

We agree with the views of the Civil Service Commission in this matter, because the only fair and equitable way in which to deal with this situation is to provide by law that such ASC employees are Federal employees.

County ASC employees do not come under the Federal service provisions of the Hatch Act. However, the adoption of the Civil Service Commission proposal would bring such employees clearly within the Federal provisions of the Hatch Act and more effectively prevent them from engaging in political activity.

We urge the Members to disapprove this legislation unless an amendment to the bill is adopted bringing these employees into the civil service system in accordance with the insistence of the Civil Service Commission.

ROBERT J. CORBETT.
EDWARD J. DERWINSKI.
ALBERT W. JOHNSON.

Union Calendar No. 547

90TH CONGRESS
2D SESSION

S. 1028

[Report No. 1371]

IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 1967

Referred to the Committee on Post Office and Civil Service

MAY 9, 1968

Reported with amendments, committed to the Committee of the Whole House
on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

AN ACT

To amend title 5, United States Code, to extend certain benefits
to former employees of county committees established pur-
suant to section 8 (b) of the Soil Conservation and Domestic
Allotment Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That ~~section 5534~~ *section 5334* of title 5, United States Code,
4 is amended by adding at the end thereof the following new
5 subsection:

6 “(f) An employee of a county committee established
7 pursuant to section 8 (b) of the Soil Conservation and
8 Domestic Allotment Act (16 U.S.C. 590h (b)) may upon
9 appointment to a position under the Department of Agri-

1 culture, subject to this subchapter, have his initial rate of
 2 basic pay fixed at the minimum rate of the appropriate grade,
 3 or at any step of such grade that does not exceed the highest
 4 previous rate of basic pay received by him during service with
 5 such county committee.”

6 SEC. 2. (a) Subchapter I of chapter 63 of title 5, United
 7 States Code, is amended by adding at the end thereof the
 8 following new section:

9 ~~“SEC. 6312. Service rendered as an employee of a~~
 10 ~~“§ 6312. Accrual and accumulation for former ASCS county~~
 11 ~~office employees~~

12 “*Service rendered as an employee of a county committee*
 13 *established pursuant to section 8 (b) of the Soil Conservation*
 14 *and Domestic Allotment Act (16 U.S.C. 590(b) 590h(b)),*
 15 *or of a committee or an association of producers described in*
 16 *section 10 (b) of the Agricultural Adjustment Act of May 12,*
 17 *1933 (48 Stat. 37), shall be included in determining years*
 18 *of service for the purpose of section 6303 (a) of this title in*
 19 *the case of any officer or employee in or under the Depart-*
 20 *ment of Agriculture. The provisions of section 6308 of this*
 21 *title for transfer of annual and sick leave between leave sys-*
 22 *tems shall apply to the leave system established for such*
 23 *employees.”*

24 (b) The analysis of chapter 63 of title 5, United States

1 Code, is amended by adding the following new item immedi-
2 ately after item 6311:

“6312. Accrual and accumulation for former ASCS county office em-
ployees.”

3 SEC. 3. The second sentence of section 3502 (a) *of title*
4 *5, United States Code*, is amended—

5 (1) by striking out the period at the end of sub-
6 paragraph (B) and inserting in lieu thereof a semicolon
7 and the word “and”; and

8 (2) by adding after subparagraph (B) the follow-
9 ing new subparagraph:

10 “(C) who is an employee in or under the De-
11 partment of Agriculture is entitled to credit for
12 service rendered as an employee of a county com-
13 mittee established pursuant to section 8 (b) of the
14 Soil Conservation and Domestic Allotment Act (16
15 U.S.C. 590h (b)), or of a committee or an associa-
16 tion of producers described in section 10 (b) of the
17 Agricultural Adjustment Act of May 12, 1933 (48
18 Stat. 37).”

Passed the Senate June 28, 1967.

Attest:

FRANCIS R. VALEO,

Secretary.

[Report No. 1371]

AN ACT

To amend title 5, United States Code, to extend certain benefits to former employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes.

JUNE 29, 1967

Referred to the Committee on Post Office and Civil
Service

MAY 9, 1968

Reported with amendments, committed to the Com-
mittee of the Whole House on the State of the
Union, and ordered to be printed

House

May 15, 1968

- 3 -

11. HEW. Both Houses received the annual report of HEW for fiscal 1967. pp. H3867, S5619
12. PERSONNEL. Both Houses received from Transportation a proposed bill to authorize the payment of expenses of preparing and transporting to his home or place of interment the remains of a Federal employee who dies while performing official duties in Alaska or Hawaii; to Government Operations Committees. pp. S5619, H3867
13. COUNTY COMMITTEES. The committee report on S. 1028, to extend certain benefits to former employees of county committees, contains the following:
"The purpose of this legislation is to facilitate the hiring of qualified personnel in positions in the Department of Agriculture by removing certain impediments to the recruitment of experienced county committee employees of the Agricultural Stabilization and Conservation Service (ASCS)."
"Enactment of S. 1028 will provide for desirable changes in the conditions under which ASCS personnel may enter into Federal employment with the Department of Agriculture, as follows:
"(1) The Department of Agriculture will be enabled to place the employee in a civil service position at a salary step which is comparable to, but does not exceed, his prior county salary rate.
"(2) The employee's annual and sick leave will be transferred to the new position in the Department of Agriculture.
"(3) The employee's former county committee employment service will be creditable for leave earning purposes and reduction-in-force purposes in the new position in the Department of Agriculture."
14. CREDIT UNIONS. The committee report on H. R. 14907, to amend the Federal Credit Union Act, states that the amended version of the bill would: (1) extend the maturity of loans made on a secured basis from 5 to 10 years, (2) permit credit unions to make investments into State-chartered central credit unions, (3) enable Federal credit unions to purchase from any liquidating credit union notes of that credit union even though the member whose note was being sold would not become a member of the purchasing credit union, (4) provide that credit unions may facilitate members' purchases of health and accident insurance on credit union loans and include the cost of this insurance in the loan repayment schedule with no fee charged for this activity, (5) allow the board to delegate the borrowing authority to the executive committee, (6) increase the unsecured loan limit to 2½% of unimpaired capital and surplus, (7) provide for two additional audits plus the annual examination, and (8) make it clear that only a majority vote of the board is necessary for removal of a member of the supervisory committee.

SENATE

15. HOUSING. The Banking and Currency Committee reported an original bill S. 3497, to assist in the provision of housing for low- and moderate-income families and to extend and amend laws relating to housing and urban development (S. Rept. 1123). p. S5619

16. SUPPLEMENTAL APPROPRIATIONS. H. J. Res. 1268, making supplemental appropriations for fiscal year 1968 for highways and certain claims, was ordered to lie on the table. p. S5570
17. FOOD STAMPS; FORESTRY; COMMODITY EXCHANGES; LOANS; WATERSHEDS. The Agriculture and Forestry Committee voted to report (but did not actually report) without amendment S. 3068, authorizing \$245 million for the Food Stamp Act for fiscal year 1969; S. 2837, authorizing establishment of the Cradle of Forestry in America in the Pisgah National Forest, N.C.; S. 3143, making frozen concentrated orange juice subject to the provisions of the Commodity Exchange Act; S. J. Res. 168, authorizing temporary emergency funds for the Farmers Home Administration; and H. R. 15822, authorizing establishment of the Robert S. Kerr Memorial Arboretum and Nature Center in the Ouachita National Forest, Okla.; and with amendment S. 2276, permitting Secretary of Agriculture to contract for works of improvement under the Watershed Protection and Flood Prevention Act upon request of local organizations. pp. D435-6
18. FARM PROGRAM. The "Daily Digest" states the Agriculture and Forestry Committee "announced that it had agreed to act this year on the extension of the Food and Agriculture Act of 1965 (P.L. 89-321), and that it plans to hold hearings on a bill, to be introduced by Senator Ellender, embodying amendments to this act proposed during recent hearings." p. D436
19. POVERTY; BUILDINGS. Sen. Byrd, W. Va., inserted an SCLC statement that participants in the Poor People's Campaign might "hang around" this Department. p. S5498 (May 14)
20. FARMERS HOME ADMINISTRATION. Sen. Scott was added as a cosponsor of S. 3165, to amend the Consolidated Farmers Home Administration Act to provide for loans to public bodies which, upon sale by the Farmers Home Administration, shall bear taxable interest. p. S5621
21. ARTS AND HUMANITIES. Sen. Pell commended President Johnson's interest in arts and humanities and inserted the President's remarks at the dedication of the Smithsonian Institution's National Collection of Fine Arts. pp. S5629-30
22. AWARDS; FARM PROGRAM. Sen. Ellender commended the "Department's growth and increased responsibility" and inserted his speech made at the USDA Honor Awards Ceremony May 14. pp. S5636-7
23. ELECTRIFICATION. Sen. Metcalf quoted a welfare administrator who wrote, "Utility charges...is an area where poor people suffer the most," and inserted an article from Electrical World. pp. S5649-51
24. HORSES. Sen. Hansen inserted material regarding the problems arising over the fate of the wild horse herd in the Pryor Mountain area of Wyo. and Mont. pp. S5652-3

INDEX of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued May 23, 1968
For actions of May 22, 1968
90th-2nd; No. 88

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HIGHLIGHTS: See page 6

HOUSE

1. CONSUMER CREDIT. Both Houses adopted the conference report on S. 5, to safeguard the consumer in connection with the utilization of credit by requiring full disclosure of the terms and conditions of finance charges in credit transactions or in offers to extend credit; by restricting the garnishment of wages; and by creating the National Commission on Consumer Finance to study and make recommendations on the need for further regulation of the consumer finance

industry. This bill will now be sent to the President. pp. H4114-28, H4132-35, S6113-20.

2. COUNTY COMMITTEES. The Rules Committee reported a resolution for the consideration of S. 1028, to provide fringe benefits for ASC county committee employees. p. H4173
3. LANDS. The Merchant Marine and Fisheries Committee reported with amendment S. 322, to restrict the disposition of lands acquired as part of the National Wildlife Refuge System (H. Rept. 1424). p. H4173
4. FOREIGN TRADE. The Ways and Means Committee reported with amendment H. R. 15798, to extend for an additional temporary period the existing suspension of duties on certain classifications of yarn of silk (H. Rept. 1419). p. H4173
5. FOOT-AND-MOUTH DISEASE; TOBACCO. The Agriculture Committee reported without amendment H. R. 16451, to cooperate with Central America in the eradication of foot-and-mouth disease (H. Rept. 1422), and with amendment H. R. 17002, to permit transfer of tobacco allotments by lease without clearance from lienholders (H. Rept. 1423). p. H4173
6. TAXATION. Passed, 284-89, with amendment S. 2158, to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce (pp. H4128-32, H4135-63). Adopted an amendment by Rep. Smith, Iowa, to provide that the individual can be taxed on income only in one State, as amended (pp. H4158-62). Rejected a motion by Rep. Hutchinson to recommit the bill (p. H4162). The committee report states that "in its amended form the bill expands the definition of 'business location' to include the regular maintenance of a stock of tangible personal property which is held for sale in the ordinary course of business...facilitates the offering by the States, under income and capital stock tax laws, of tax incentives to attract industry into a State, as well as tax incentives for such purposes as water or air pollution abatement."
Rep. Burke, Mass., stated that on May 29 he will "offer a motion to instruct the managers on the part of the House at the conference on the bill, H. R. 15414, the tax bill, to insist on an expenditure reduction for fiscal year 1969 of \$4 billion, instead of a \$6 billion cut." p. H4163
7. FORESTRY. The Interior and Insular Affairs Committee voted to report (but did not actually report) H. R. 16429, to provide for the conveyance by Interior of certain lands in Grand and Clear Creek Counties, Colo., in exchange for certain national forest lands, and H. R. 3306, to hold in trust the watershed within the Carson National Forest for the Pueblo Indians. p. D468
8. BUILDINGS; WATERSHEDS. The Public Works Committee voted to report (but did not actually report) H. R. 6589, amended, to require Federal buildings to be accessible to physically handicapped persons; and approved 13 watershed projects. p. D466

CONSIDERATION OF S. 1028

MAY 22, 1968.—Referred to the House Calendar and ordered to be printed

Mr. SISK, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. 1182]

The Committee on Rules, having had under consideration House Resolution 1182, report the same to the House with the recommendation that the resolution do pass.

○

House Calendar No. 252

90TH CONGRESS
2D SESSION

H. RES. 1182

[Report No. 1415]

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 1968

Mr. SISK, from the Committee on Rules, reported the following resolution;
which was referred to the House Calendar and ordered to be printed

RESOLUTION

1 *Resolved*, That upon the adoption of this resolution it
2 shall be in order to move that the House resolve itself into the
3 Committee of the Whole House on the State of the Union for
4 the consideration of the bill (S. 1028) to amend title 5,
5 United States Code, to extend certain benefits to former
6 employees of county committees established pursuant to sec-
7 tion 8 (b) of the Soil Conservation and Domestic Allotment
8 Act, and for other purposes. After general debate, which shall
9 be confined to the bill and shall continue not to exceed one
10 hour, to be equally divided and controlled by the chairman
11 and ranking minority member of the Committee on Post
12 Office and Civil Service, the bill shall be read for amend-

1 ment under the five-minute rule. At the conclusion of the
 2 consideration of the bill for amendment, the Committee shall
 3 rise and report the bill to the House with such amendments
 4 as may have been adopted, and the previous question shall be
 5 considered as ordered on the bill and amendments thereto to
 6 final passage without intervening motion except one motion
 7 to recommit.

House Calendar No. 252

90TH CONGRESS
 2^D SESSION

H. RES. 1182

[Report No. 1415]

RESOLUTION

Providing for consideration of S. 1028 to amend title 5, United States Code, to extend certain benefits to former employees of county committees established pursuant to section 8 (b) of the Soil Conservation and Domestic Allotment Act, and for other purposes.

By Mr. Sisk

MAY 22, 1968

Referred to the House Calendar and ordered to be printed

INDEX of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U.S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
FOR INFORMATION ONLY;
(NOT TO BE QUOTED OR CITED)

Issued June 19, 1968
For actions of June 18, 1968
90th-2nd; No. 104

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HIGHLIGHTS: House Rules Committee cleared farm bill and conference report on tax and expenditure-control bill. House passed bill to provide fringe benefits for 100 county committee employees. House committee voted to report school lunch bill. Senate subcommittee approved intergovernmental cooperation bill.

HOUSE

1. FARM PROGRAM. The Rules Committee reported a resolution for the consideration of H. R. 17126, to amend the Food and Agriculture Act of 1965. p. H5095
2. TAXATION; EXPENDITURES. The Rules Committee reported a resolution for the consideration of the conference report on H. R. 15414, the revenue and expenditure control bill. p. H5095
3. COUNTY COMMITTEES. Passed, 353-13, with amendments S. 1028, to extend certain benefits to former employees of county committees (pp. H5054-5, H5059-66). Rejected, 136-228, a motion by Rep. Derwinski to recommit the bill (pp. H5064-66) For provisions of the bill see Digest 83. *May 15, 1968.*
4. SCHOOL LUNCHES. The Education and Labor Committee voted to report (but did not actually report) H. R. 17873, amended, to amend the National School Lunch Act. p. D567
5. PERSONNEL. The Post Office and Civil Service Committee reported with amendment H. R. 13844, to grant time off for employees to arrange funerals of their children lost in hostile military action (H. Rept. 1560). p. H5095
6. WILDLIFE. The Rules Committee reported a resolution for the consideration of S. 322, to restrict the disposition of lands acquired as part of the national wildlife refuge system (H. Rept. 1564). p. H5095
7. RESEARCH. Concurred in Senate amendments to H. R. 15856, the NASA authorization bill (pp. H5052-3). This bill contains items for research, including that conducted in cooperation with this Department on earth resources satellites providing information on agriculture and forestry through remote sensing devices, including identification and analysis of crop species, soil types, crop conditions, environmental conditions, tree identification, forestry density, forest conditions, etc. This bill will now be sent to the President.
8. LANDS. Passed as reported H. R. 3306, to grant to the Pueblo de Taos Indians in New Mexico trust title to 50,000 acres of federally owned land which the United States took from the Indians without the payment of any compensation. pp. H5054-9
Passed without amendment H. R. 17320, to authorize the Secretary of Agriculture to grant an easement over certain lands to the Saint Louis-San Francisco Railway Company. pp. H5050-1
9. HIGHWAYS. The Public Works Committee voted to report (but did not actually report) H. R. 17134, the 1970-1 highway authorization bill. p. D568
10. ECONOMY. Rep. Conte stated "a combination of events has brought us today to a critically dangerous financial position," which he said demanded "an immediate enactment of the tax increase--expenditure cuts and a continuation of our important social programs." He inserted several editorials on the subject. pp. H5071-5
11. CENSUS. Rep. Olsen called the "attacks" against the Census Bureau questions "unwarranted and ill-conceived." pp. H5075-82

laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

"SEC. 4. Notwithstanding any other provision of this Act—

"(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences,

"(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

"(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator of his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

"SEC. 5. (a) No part of the funds appropriated pursuant to this Act shall be available for the payment of any salary of an individual convicted by any Federal, State, or local court of competent jurisdiction of—

"(1) inciting a riot or civil disorder;

"(2) organizing, promoting, encouraging, or participating in a riot or civil disorder;

"(3) aiding or abetting any person in committing any offense specified in clause (1) or (2); or

"(4) any offense determined by the Administrator of the National Aeronautics and Space Administration to have been committed in furtherance of, or while participating in, a riot or civil disorder; if the offense for which he is convicted is a felony. Any such individual holding a posi-

tion in the National Aeronautics and Space Administration on the date his conviction becomes final shall be removed from such position.

"(b) For the purposes of this section, 'felony' means any offense for which imprisonment is authorized for a term exceeding one year.

"(c) The provisions of subsection (a) shall apply only with respect to acts referred to in clauses (1)-(4) which are committed after the date of enactment of this Act.

"SEC. 6. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

"SEC. 7. This Act may be cited as the 'National Aeronautics and Space Administration Authorization Act, 1969'."

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from California?

Mr. FULTON of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to address a question to the chairman of our Science and Astronautics Committee.

The Senate amendments reduce the total amount in the authorization bill for NASA and space for the coming year, 1969, by approximately \$18 million. The authorization of \$4,013,373 which we propose to accept is \$18,050,000 less than the House figure: Is that not right?

Mr. MILLER of California. That is correct.

Mr. FULTON of Pennsylvania. This authorization provides for a different emphasis among the various line items within the space program proposed by the administration. It contains no programs that have not been proposed by the administration and passed by the Bureau of the Budget; is that correct?

Mr. MILLER of California. That is correct.

Mr. FULTON of Pennsylvania. Mr. Speaker, I yield to the gentleman from Iowa [Mr. Gross].

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to ask the gentleman from California, in view of the word from the other body that certain Members of the other body intend to hang certain legislation on bills coming from the House—am I correct in assuming that all of the amendments to this bill are germane to the bill?

Mr. MILLER of California. They are germane to the bill. They are for the most part reductions in several items, and adjustments on other items.

Mr. GROSS. I thank the gentleman from California for his response.

Mr. FULTON of Pennsylvania. The total overall amount represents \$18 million less than the House figure; is that not correct?

Mr. MILLER of California. That is correct.

Mr. FULTON of Pennsylvania. Mr. Speaker, I withdraw my reservation of objection.

Mr. HECHLER of West Virginia. Mr. Speaker, \$3 million is a very small amount in an authorization bill totalling

over \$4 billion. In fact, it is less than one-tenth of 1 percent. However, I wish there were some way under this parliamentary situation that the House could insist on its figure for aeronautical research, which the Senate has cut by \$3 million.

The Subcommittee on Advanced Research and Technology, which I chair, held extensive hearings on the necessity for greater emphasis on aeronautical research. We voted \$1 million beyond what had been requested in the budget for this vital area, and this recommendation was sustained by the Committee on Science and Astronautics and the entire House. We felt that in the highly important fields of aircraft noise control, vertical and short takeoff and landing planes, and collision avoidance, it was a sound investment to support basic research to the fullest possible extent.

NASA requested \$76.9 million for aeronautical research, and the House voted \$77.9 million. Along comes the other body and rather arbitrarily lops \$3 million off this figure. I do not wish to be a party to agreeing to such a cut. My colleagues point out that \$3 million is only a small amount, but my answer to this is that at a time when the budget is very tight, we ought to be thankful for small favors and stand up and cheer that only \$3 million is involved here. What this means, however, is a symbol of progress in a field where we could be pressing forward to achieve new breakthroughs.

There are times in this Congress when you have to go along, or else be branded as a screwball. I regret that in a moment of spineless, weak-kneed, utterly unprincipled desire to get this bill through and not insult our senior colleagues too much I agreed not to object when the question of yielding to the Senate figure was brought up today.

I am already ashamed that I did not have the guts to stand up to my colleagues and fight for aeronautics. We are authorizing funds for an agency whose name is the National Aeronautics and Space Administration, and we have allowed the space tail to wag the aeronautics dog. We must appreciate the fact that we have not reached the farthest horizons in our developmental work, our basic research, and in our potential for pushing forward great new frontiers.

Therefore, I serve notice that in the future I am not going to prove to be the same kind of soft touch on an issue of this nature. I hope that my colleagues who have forced this decision on the Congress will wake up and appreciate that to keep the American eagle flying high we are going to have to place more emphasis on aeronautics.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3306, AMENDING SECTION 4 OF THE ACT OF MAY 31, 1933 (48 STAT. 108)

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1213 and ask for its immediate consideration.

The clerk read the resolution, as follows:

H. RES. 1213

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3306) to amend section 4 of the Act of May 31, 1933 (48 Stat. 108), and all points of order are waived against that language in the bill beginning on page 6, line 23 to page 7, line 4, inclusive. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. HECHLER of West Virginia). The Chair recognizes the gentleman from Hawaii [Mr. MATSUNAGA] for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield to the gentleman from Ohio [Mr. LATTI] 30 minutes, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1213 provides an open rule with 1 hour of general debate for consideration of H.R. 3306 to amend section 4 of the act of May 31, 1933—48 Stat. 108. The resolution also provides for a waiver of points of order against that language in the bill beginning on page 6, line 23 to page 7, line 4, inclusive. The waiver of points of order was granted because that part of the bill is in effect an appropriation and would normally come under the jurisdiction of the Committee on Appropriations.

The purpose of H.R. 3306 is to grant to the Pueblo de Taos Indians in New Mexico trust title to 48,000 acres of federally owned land which the United States took from the Indians without the payment of any compensation.

The 48,000 acres are part of a larger area to which the Taos Pueblo had aboriginal Indian title. In 1965, the Indian Claims Commission determined that the Pueblo had established its Indian title to the larger area, and that the United States had extinguished the Indian title in 1906 without payment of compensation. The Commission ordered that the value of the land be determined in order that a monetary award could be made; however, the value has not yet been determined.

The Pueblo attaches great significance to the ownership of these particular 48,000 acres and urges the Government to return the title to the land, rather than give the Pueblo money as compensation.

The importance of the area to the Pueblo has long been recognized and they

have made repeated but unsuccessful efforts to obtain title to the land. A statute enacted in 1933 authorized the Secretary of Agriculture to issue to the Pueblo a 50-year special use permit covering part of the area, and the permit was issued in 1940, but a controversy has continued over the terms of the permit. The controversy centers around the desire of the Pueblo to preserve the area in its natural state, and to limit access to, and use of, the area by non-Indians.

Preservation of the area in its natural condition and limitation on non-Indian use is said to be essential to protection of the Indian religion of the Pueblo. The religion is secret and, therefore, not easily explained, but it is based on nature and is said to regard this area as sacred. Complete privacy is regarded as essential to maintenance of the integrity and efficacy of the Indian religion.

The issue, therefore, is whether the Pueblo should be paid for the 48,000 acres, as ordered by the Indian Claims Commission, and the land retained in the national forest for the benefit of the public generally, or whether the land should be restored to the Pueblo. Equities seem to be on the side of the Indians. They have a greater need for the land than does the public.

Mr. Speaker, I urge the adoption of House Resolution 1213 in order that H.R. 3306 may be considered.

(Mr. MATSUNAGA asked and was given permission to revise and extend his remarks.)

(Mr. LATTI asked and was given permission to revise and extend his remarks.)

Mr. LATTI. Mr. Speaker, I agree with the statement just made by my friend, the gentleman from Hawaii.

Mr. Speaker, the purpose of the bill is to grant title to 48,000 acres of Forest Service land to the Pueblo Indians of New Mexico. This land is part of a larger tract which the Pueblo have owned since before the coming of the white man. The United States took approximately 130,000 acres from the Pueblo without compensation in 1906. In 1965 the Indian Claims Commission decided that the Indians had established their title to the acreage in question and ordered the land evaluated prior to ordering a lump-sum payment by the Government to the Indians.

The Indians do not want the money; they want the land. They attach great significance to this land because it has a special place in their religious ceremonies stretching back many, many years. It is significant that the Federal Government has, since its appropriation of the land from the Indians, recognized the special significance of this particular parcel to the Pueblo Indians. The land is now administered by the Park Service as a wilderness area and recreational location.

The bill resolves the issue in favor of the Indians by transferring title to the 48,000 acres in question to the Pueblo de Taos Indians rather than confirming the cash payment. The committee believes the Indians have a greater need and use for the land than does the general public, particularly since this is only a small part of the almost 1½ million

acres contained in the National Forest of which they are now a part. The committee also points out that it does not consider this legislation a precedent for bypassing future decisions of the Indian Claims Commission. The report indicates that the committee knows of no other Indian tribe whose situation is comparable to this particular one.

No additional cost is anticipated through passage of this bill.

The Department of the Interior, Bureau of the Budget, and the Department of Agriculture have all submitted favorable reports and there are no minority views.

Mr. Speaker, I have no further requests for time.

Mr. MATSUNAGA. Mr. Speaker, I have no requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF S. 1028, FEDERAL EMPLOYMENT CONDITIONS FOR FORMER EMPLOYEES OF AGRICULTURAL COUNTY COMMITTEES

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1182 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1182

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 1028) to amend title 5, United States Code, to extend certain benefits to former employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MATSUNAGA. Mr. Speaker, I yield to the gentleman from Ohio [Mr. LATTI] 30 minutes, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1182 provides an open rule with 1 hour of general debate for consideration of S. 1028 to extend certain benefits to former employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act.

S. 1028 would provide for desirable changes in the conditions under which ASCS personnel may enter into Federal employment with the Department of Agriculture, as follows:

First. The Department of Agriculture will be enabled to place the employee in

a civil service position at a salary step which is comparable to, but does not exceed, his prior county salary rate.

Second. The employee's annual and sick leave will be transferred to the new position in the Department of Agriculture.

Third. The employee's former county committee employment service will be creditable for leave-earning purposes and reduction-in-force purposes in the new position in the Department of Agriculture.

The bill does not in any way change the continuing principle of the merit system required of a county employee going to work for the Department of Agriculture.

Mr. Speaker, I urge the adoption of House Resolution 1182 in order that S. 1028 may be considered.

(Mr. LATTA asked and was given permission to revise and extend his remarks.)

Mr. LATTA. Mr. Speaker, I agree with much of what the gentleman from Hawaii has said about the bill and particularly with the matter dealing with the transfer of these employees. Whether such a practice will be in the best interest of the Federal Government is a question.

We could have wholesale transfers into the Federal service from these county committees. This could destroy the present committee system. I just wonder whether or not these employees, even though they are paid out of Federal funds, should become a part of the Federal civil service system. The administration has already loaded down the Department of Agriculture with a good many new employees in the last several years. Many Members of the House will recall when, Senator GRIFFIN, of Michigan, was a Member of this House, he offered an amendment which was passed for a few moments, which would have provided that at no time shall the number of employees of the Department of Agriculture exceed the number of farmers in this Nation. If the administration keeps loading down the Department of Agriculture with new employees and coming up with bills such as this, I can see the time when there will be real need for Senator GRIFFIN's amendment.

I hope some attention to the number of Agricultural employees will be given by the House before this legislation passes.

The purpose of the bill is to remove for employees of county agricultural committees certain impediments which make them reluctant to transfer to the Federal civil service and become employees of the Department of Agriculture.

While these employees of county committees are paid from Federal funds and administer Federal programs, they are hired by local committees and are not a part of the Federal civil service. The Department of Agriculture often would like to hire some of these people but is sometimes precluded because of the financial loss which such an employee would suffer by transferring his employment. He now gets no credit for his accumulated sick leave or annual leave, and he sometimes must take a pay cut.

The bill would remove these two impediments. An employee will have his

accumulated leaves credited to his new job with Agriculture, and he will come into the department at a comparable salary level.

The Department of Agriculture supports the bill. They want to be able to recruit successfully from among this group of skilled, professional personnel. The Civil Service does not support the bill, nor does the Bureau of the Budget.

Minority views have been filed by three Members opposing the bill. They point out that it gives special privileges to one class of non-Federal employees who are administering a federally funded program. Where would it stop? They also note that all Federal employees do not have the advantages granted in the bill when they decide to transfer from one Federal agency to another.

They note the opposition by the Civil Service Commission and believe its solution—by making all these employees Federal employees—is preferable to the solution offered in the bill.

The bill has been before the committee before. As H.R. 2452, a rule was denied by a show-of-hands vote of 6 to 8, with one abstaining, on August 25, 1966.

Mr. Speaker, I have no further requests for time on this side, and I reserve the balance of my time.

Mr. MATSUNAGA. Mr. Speaker, having no further requests for time, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AMENDING SECTION 4 OF THE ACT OF MAY 31, 1933 (48 STAT. 108)

Mr. HALEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3306) to amend section 4 of the act of May 31, 1933 (48 Stat. 108).

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 3306, with Mr. FULTON of Tennessee in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Florida [Mr. HALEY] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. SAYLOR] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HALEY. Mr. Chairman, I yield 15 minutes to the gentleman from Colorado [Mr. ASPINALL].

(Mr. ASPINALL asked and was given permission to revise and extend his remarks.)

Mr. ASPINALL. Mr. Chairman, the purpose of this bill is to right a wrong that was done to the Taos Indians in 1906 when 48,000 acres in the Blue Lake

area, in addition to other lands, were taken from them by the United States.

The Taos Indians have lived in their present pueblo since the year 1400. They are a sedentary people, and have continually used and occupied a well-defined area surrounding the pueblo for farming, grazing, hunting, gathering, and other purposes. Because of the 7,000-foot elevation and a 100-day growing season, the Indians have relied less on farming than on hunting and gathering. They are a conservative people and are resistant to change. They value their Indian culture, their Indian religion, and their traditional way of life. They insist on preserving them.

When the Spaniards came to this continent in the 16th century, they encroached on some of the lowlands of the Taos Indians along the Rio Grande, but the Spaniards left the Taos Indians relatively undisturbed in their aboriginal use and occupancy area. When the United States acquired sovereignty over New Mexico by the Treaty of Guadalupe Hidalgo on February 2, 1848, the Taos Indians were the owners of all of the lands which they then used and occupied exclusively.

In 1906 the United States took 130,000 acres of the Taos Indians lands for inclusion in the Carson National Forest. The taking was by Executive order of the President. The Indians were not consulted, they were not paid, and they did not agree to the taking. These 130,000 acres include 48,000 acres in the Blue Lake area which are most important to the Indians, particularly from the standpoint of their religion. It is these 48,000 acres which the Indians want back.

The Indians have been persistent and unrelenting in their efforts to recover their land. In the early days of the national forest, the Indians were given exclusive use of the Blue Lake area when the forest service set it aside for grazing by the Indians. The Indians were dissatisfied with this arrangement, and in 1912, the Secretary of the Interior proposed to include the area in an Executive order reservation for the Indians. The Department of Agriculture objected pointing out that the Indians already had exclusive use of the area.

Under a 1924 statute, a Pueblo Lands Board was established to confirm the titles of non-Indians to certain lands, which are not involved here, which had been occupied in good faith by non-Indians. The Pueblo Lands Board extinguished the Indian title to land appraised at \$458,520, but awarded the Indians only \$76,128. The Indians offered to waive payment of \$297,000 on the understanding that they would be given title to the Blue Lake area, which they so greatly desired. A bill providing for the issuance of a patent to the Indians was introduced in the 72d Congress, but did not pass.

The Indians then sought from the Forest Service a cooperative agreement giving them exclusive use of the area. An agreement was signed in 1927, but it did not give exclusive use.

The Indians were not satisfied, and in 1928 the matter came before Congress. The Forest Service opposed a grant-of-

but does not exceed the prior county salary rate;

Second. Transfer the former county committee employee's annual and sick leave to the new position in the Department of Agriculture; and

Third. Credit his former county committee employment service for leave earning purposes and reduction-in-force purposes to the new position in the Department of Agriculture.

There are now approximately 14,600 county employees with the ASCS program. These employees are hired by the county committeemen and work under the direction of a county manager with personnel administration regulations developed by the U.S. Department of Agriculture. These regulations are nationwide in scope.

During fiscal year 1967, 82 county committee employees resigned their county positions to go to work for the Department of Agriculture. In moving from their committee jobs to the Department of Agriculture, many had to sacrifice pay and accumulated sick and annual leave. For examples—one county committee employee went to work for the Department of Agriculture in Washington and by so doing lost over \$1,000 in annual salary and 800 hours of sick leave. In another instance, a county committee manager took a job with the Department of Agriculture and by so doing took a cut in pay of \$315 a year and lost 175 hours of sick leave.

Were this legislation to become law, Department of Agriculture officials estimate that probably as many as 130 county committee employees would agree each year to go to work for the Department of Agriculture, assuming, of course, there were such vacancies.

The proposed legislation does not in any way change the continuing principle of the merit system required of a county employee going to work for the Department of Agriculture. A committee employee is employed under the very same merit principles as any other employee. All benefits proposed in S. 1028 are conditional. They have no application to a committee employee so long as that employee works in his or her present position as a county committee employee.

The bill applies only to the Department of Agriculture. It is limited to appointments of experienced county committee employees who are needed by the Department of Agriculture for placement in existing positions. It will have no effect on any other department or agency of the Government.

The committee believes that any additional cost resulting from the benefits granted by this legislation will be minimal, and will be more than offset by the better manpower utilization and greater efficiency realized through the appointment of trained and able men in responsible positions in the Department of Agriculture.

Mr. Chairman, I urge the support of the Members for the passage of S. 1028.

Mr. CORBETT. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. DERWINSKI].

(Mr. DERWINSKI asked and was given permission to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Chairman, as my colleagues know, I have always tried to be helpful to our Great Society administration in extricating it from difficult spots.

However, the bill we are considering, S. 1028, presents a particular problem because the administration itself does not seem to know which side it is on.

This legislation establishes special conditions for the treatment of former county ASC employees who accept positions with the Department of Agriculture. First, these persons would enter Federal service with the USDA at a salary step comparable to their prior county salary. Second, they would transfer to the Federal position the sick and annual leave which they accumulated as county employees. And third, they would be able to credit their prior county service for leave and retention in force purposes in the Federal position.

On one hand we have the Bureau of the Budget, which is directly responsible to the President for the coordination and clearance of legislative programs "opposed to the grant of special benefits to any group of employees based on prior service rendered another employer."

And on the other, we have the Secretary of Agriculture, who I assume also is responsible to the President, strongly recommending that the bill be passed.

To further complicate matters, we have the Civil Service Commission denouncing the bill on the ground that it is undesirable in that it "would accord preferential treatment not available to other groups."

I think my colleagues will agree that this assortment of executive agency views is a confusing pattern against which to consider any legislation. Under the circumstances, I suggest that one guideline for judging this legislation is the history of similar legislative proposals.

As is pointed out in the minority views accompanying the report on S. 1028, this is the third time in as many Congresses that the Post Office and Civil Service Committee has favorably considered the legislation embodied in this bill. Neither of the two previous bills were ever enacted, and S. 1028 should be similarly rejected.

As I have already said, the Bureau of the Budget takes a dim view of this legislation. I call to the attention of my colleagues the Budget Bureau's comments which appear on pages 4 and 5 of House Report 1371, accompanying this bill. In part, the bureau says:

Although concededly not Federal employees, the ASC county committee employees have been allowed to participate in practically all of the fringe benefits incident to Federal employment. No corresponding increase in Federal supervision, direction, or responsiveness of their activities has accompanied the grant of benefits.

If the Congress is disposed to act favorably on legislation of the nature of S. 1028, the Budget Bureau offers an alternative which I can fully support and which would offer me the opportunity to again be of assistance to the present administration.

The Budget Bureau recommendation is as follows:

In the absence of other considerations we believe the best solution in the existing situation would be to federalize employees at the county committee level, as is already true of employees of State ASC offices.

The Civil Service Commission reinforces this alternative suggestion. On page 7 of the committee report, Chairman John W. Macy, Jr. of the Civil Service Commission says:

There is another approach which the Commission has felt would provide a better way of accomplishing the objectives of this legislation. It would be to enact legislation making county office employees full-fledged Federal employees of the Department of Agriculture, subject not only to the benefits of Federal employment but to all the obligations and protections as well.

I am impressed with the logic and soundness of the suggestion of the Civil Service Commission and the Bureau of the Budget and recommend this alternative to the special benefits bill which we have before us.

I would also like to draw attention to a comment of the Civil Service Commission which appears in the Senate Report of S. 1028 and which may have some bearing on the action we take today. Says Chairman Macy:

The Commission also wishes to emphasize that if this legislation is enacted, the Commission would continue to work toward the objective of making these employees Federal, subject not only to the benefits of Federal employment but to the rights and obligations as well.

I suggest, Mr. Chairman, that we have the opportunity to accomplish this objective today and at the appropriate time I shall move for this purpose.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Chairman, I must confess I am not well informed about the content of the proposal, and therefore welcome this opportunity for clarification.

Would this be to make permanent the positions occupied by the full-time employees of the ASC committees throughout the country?

Mr. DERWINSKI. It is my understanding that they would be granted permanency under the civil service laws.

Mr. FINDLEY. The problem I see in that is that most of what these employees deal with relates to commodity programs. Now, maybe I live in faint hope, but I still hope for the day when we are going to get rid of these ineffective commodity programs, and that we would be able to eliminate these feed grain and cotton programs and other programs, and I am wondering what these ASC people would do.

Mr. CORBETT. Mr. Chairman, would the gentleman yield?

Mr. FINDLEY. I am sorry, but I do not have control of the time.

Mr. DERWINSKI. I yield to the gentleman from Pennsylvania.

Mr. CORBETT. I might say to the gentleman from Illinois that this bill does not confer permanency on the committee employees. There is always the possibility that they will not do their political job, and hence someone would like to fire them and replace them with

somebody that would. They would be given civil service protection only in the event they transferred over to the Department of Agriculture.

Mr. FINDLEY. In that event they would no longer continue their duties they are now performing, is that correct?

Mr. CORBETT. That is absolutely correct, because they would be taking on a new job.

Mr. FINDLEY. This would affect only employees who cease to be effective in the ASC organization, and they were given assignments within the other activities of the Department of Agriculture; is that correct?

Mr. CORBETT. Yes; that is absolutely correct.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CORBETT. Mr. Chairman, I yield 2 additional minutes to the gentleman from Illinois.

Mr. DERWINSKI. I thank the gentleman for yielding me the additional time.

Mr. FINDLEY. Mr. Chairman, if the gentleman will yield further, I am still puzzled as to the need for this legislation.

All county ASC employees were hired for assignments in connection with the commodity programs, and they knew exactly what the nature of their job was. I do not see, at least, on the face of it, why the Congress feels it has any obligation to those employees to confer on them the fringe benefits that would apply if they had a different job than the one in which they have served these past few years.

Mr. DERWINSKI. The gentleman from Illinois [Mr. FINDLEY] touches a point that I referred to when I quoted the Bureau of the Budget stating that it was opposed to granting special benefits to any group of employees based on prior service rendered to another employer. That was the position of the Bureau of the Budget.

The Civil Service Commission makes the statement that this bill provides preferential treatment.

The gentleman from Illinois [Mr. FINDLEY] has raised a point that I do not recall having arisen in our committee deliberations, the possibility of the specific work that these men now do being eliminated by virtue of the elimination of the programs—on which, incidentally, I would agree with the gentleman from Illinois, that this is a long-overdue step.

Mr. FINDLEY. If the gentleman will yield further, the great disadvantage I see in this to the public interest is that it would give the advantages of Federal employment to personnel who have been in positions that are very much political. They have been cheerleaders for the administration farm programs through the years, and that is what they were essentially hired to take care of, and the political character of the ASC organization is well known, and this would, I believe, be an unfortunate step to take, at least, based on the information now before me.

Mr. DERWINSKI. May I point out to the gentleman and to the Members again my great concern is the obvious inconsistency between official positions—and, of course, it is quite disturbing to find

the Civil Service Commission and the Bureau of the Budget at odds with the Department of Agriculture. I realize it must embarrass and pain Members of the majority party when they find such disarray in the administrative branch of the Government—but not being responsible for that disarray in the administrative branch of the Government, I can only call this to your attention this afternoon.

Mr. FINDLEY. The ASC employees are not under the Hatch Act; am I correct on that point?

Mr. DERWINSKI. That is my understanding—they are not under the Hatch Act.

Mr. FINDLEY. If they are not under the Hatch Act, certainly they are in a different category than the ordinary Federal employee and they should not have these benefits.

Mr. BERRY. Mr. Chairman, at the present time county office employees of ASCS are not included under civil service. They receive most of the fringe benefits such as annual leave, sick leave, health insurance, life insurance, and Federal retirement that regular civil service employees receive, yet they do not have the job protection that civil service employees enjoy.

County office ASCS employees are hired by the office manager, the office manager is hired by the county committee, the county committee is elected by a convention of community committeemen. The community committeemen, in turn, are elected by the farmers in their respective communities by eligible farmers who vote in a small mail election.

On the other hand, the State office ASCS employees are under civil service and are directed by a State executive director and a three-man State ASCS committee who are appointed by the Secretary of Agriculture. As employees in State offices over the Nation reach retirement age, the logical place to recruit replacements is from the ranks in the county offices. Many of these county office employees have had 10 to 20 years' experience in administering all types of farm programs.

The problem is this—county office employees not being covered under civil service cannot transfer any of their accumulated sick leave, annual leave, leave-earning rights, salary grades, et cetera, if they accept a State office of Washington office position which is covered under civil service. They lose all of their benefits and must start at the bottom because the only time these benefits can be transferred is from one county office to another. For this reason no county office employee can be enticed to move into State office positions or into other USDA agencies covered by civil service.

This problem can be solved by passage of S. 1028 which would allow county office ASCS employees to transfer to civil service positions and retain all of the benefits that they enjoy while working as county office employees. For this reason, I urge my colleagues to join me in wholeheartedly supporting this legislation.

Mr. HENDERSON. Mr. Chairman, I yield to the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Chairman, as representative of the 15th District of Texas, a district largely concerned with agricultural matters, and as a member of the House Committee on Agriculture, I would appreciate the opportunity of commenting in support of S. 1028.

It is my understanding that the primary objective of this bill is to eliminate the severe hardship and inequity which ASC county committee employees now suffer if they accept civil service employment in the Department of Agriculture. The Agriculture Department supports this proposal and interested employees in my own congressional district have expressed to me their strong support for the following reasons, which would:

First. Permit the Department to appoint ASC county committee employees to civil service positions at a salary step which does not exceed his prior county salary rate.

Second. Transfer the county committee employee's annual and sick leave when he moves to a civil service position in the Department of Agriculture.

Third. Credit his county committee employee service for leave-earning and reduction-in-force purposes.

Mr. Chairman, from personal acquaintance with many of this dedicated group I can testify to the service rendered by ASC county committee employees. They are a group which I am proud to be associated with in serving as a member of the House Agriculture Committee from a largely rural district.

Many experienced county committee employees are and will, in the future, be needed to fill more responsible positions within ASCS and the Department. A few county committee employees have accepted assignments in civil service positions. They were required to take salary cuts and they lost their accumulated sick leave. Salary cuts can amount to over \$2,000 for an employee moving to a comparable level position. Such a cut in salary would occur, for example, if a county office manager at step 10 of CO-9 is appointed to a comparable level civil service position which is GS-9. A county employee advancing to a higher level position may be required to take a salary cut of over \$800. A county employee with 10 to 15 years of service probably has over 1,000 hours of sick leave. The loss of this leave is a serious loss of financial protection against future illness.

ASC county committee employees are a primary source of qualified candidates to fill key positions in ASCS State offices. This source of talented personnel with years of invaluable experience in the Department's programs at the grass roots level also provides the source for filling many other positions within the Department of Agriculture. Without this legislation, we well could be deprived of the services of persons seriously needed.

I believe these employees have earned, through their services, Mr. Chairman, the privileges provided under S. 1028 and I hope a sufficient number of my honored colleagues will see eye to eye with me on this proposal that it may become the law. Thank you.

(Mr. DE LA GARZA asked and was given permission to revise and extend his remarks.)

(Mr. SISK (at the request of Mr. DE LA GARZA) was granted permission to extend his remarks at this point in the RECORD.)

Mr. SISK. Mr. Chairman, I rise in support of S. 1028, a bill designed to facilitate the Department of Agriculture in the hiring of qualified personnel now employed as county employees of the Agricultural Stabilization and Conservation Service.

There are now some 14,000 of these county employees administering various programs for the Department of Agriculture. However, these employees often take a loss in pay and sick leave to take a job with the Department. The bill before us, S. 1028, merely makes it possible for county employees who qualify to leave their county jobs and join the Agriculture Department where they are needed, without a personal loss.

Mr. HENDERSON. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. UDALL].

(Mr. UDALL asked and was given permission to revise and extend his remarks.)

Mr. UDALL. Mr. Chairman, I support this legislation.

In response to the questions raised by my distinguished friend, the gentleman from Illinois [Mr. FINDLEY], let me say that you can look at this legislation in two ways. If you look at it—and I am one who hopes too that we will end some of these commodity programs one of these days—if you look at this solely from the standpoint of the employee—we are conferring a windfall of unearned benefits, and there is really no justification for the bill.

But if you look at the bill from the standpoint of the Government—how can we best carry out these programs—as long as we have them, and how can we most efficiently carry out the Department of Agriculture's program, then there is considerable justification for the bill.

This is a very limited piece of legislation. What it says is the Department of Agriculture in its search for good men, good employees, and in recruiting those men, can go out to the States where these county employees who have become familiar with the Government programs in handling their duties, can offer them equivalent kind of jobs in the Federal service. Thus we are going to be able to get these good men for the Federal service.

If you were trying to run the Interstate Commerce Commission and enforce their regulatory procedures out on the highways. And if you wanted to hire investigators, the place that you would want to go for investigators would be to some of the people in the States who have been doing this kind of work, and who had experience with similar State regulations and the Federal regulations.

This is not a transfer of any employees to the Federal Establishment. It simply says that if we hire these people with experience in this kind of work and they go into the Department of Agriculture on a regular employee basis, then we will

give them the benefit of the accumulated leave and the other fringe benefits they have accumulated.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman.

Mr. FINDLEY. Would it not be just as logical to give credit for service to the fulltime employees of the Illinois Agricultural Association and the Illinois Farm Bureau personnel who are likewise intimately acquainted with the farmers' problems and the farm commodity programs?

I think it would make just as much sense to grant them the same privilege for their service that they have had with this private organization as to grant it to the ASC organization.

Mr. UDALL. The gentleman makes a shrewd argument, but I do not think he can show nearly as much justification for men who have worked in the administration of the Federal programs not to go under the bill, or those who have been working on the county committees—as he could with reference to the kind of men he mentioned.

Mr. HENDERSON. Mr. Chairman, I yield to the gentleman from Texas [Mr. PICKLE].

(Mr. PICKLE asked and was given permission to revise and extend his remarks.)

Mr. PICKLE. Mr. Chairman, I would like to express my support for S. 1028, a bill to allow former employees of the Agriculture Stabilization and Conservation Service to be employed by the Department of Agriculture without loss of sick leave, seniority or accumulated vacation time.

This legislation has long been supported by the Department of Agriculture since it will help tremendously in securing trained employees in the USDA. Coming from Texas, the State with more ASCS employees than any other, I have also had sizable correspondence from individuals in support of the principles of the bill.

I think the mutual advantages flowing from this bill are well worth the effort, and in light of the fact that no significant expenditures are involved, it is surprising that a similar measure has not been considered earlier.

Again, Mr. Chairman, I would say I support this bill and its purposes, and I am glad it is coming before the House for vote.

Mr. CORBETT. Mr. Chairman, I yield myself such time as I may consume.

(Mr. CORBETT asked and was given permission to revise and extend his remarks.)

Mr. CORBETT. Mr. Chairman, in good conscience I am forced to oppose this bill and to urge that it be defeated.

This legislation is strongly opposed by both the Bureau of the Budget and the Civil Service Commission. It is the latest in a long history—too long in my opinion—of proposals that seek to extend all the benefits and all the privileges of Federal employment to a select group of non-Federal employees who work in the county committee offices of the Agricultural Stabilization and Conservation Service.

If this latest proposal is adopted there will be no significant Federal employee benefit that these non-Federal county committee employees will not have. They are under the Civil Service Retirement Act, the Federal employees' health and life insurance programs, sick and annual leave, injury compensation, unemployment compensation, reimbursement for relocation and transfer expenses, the incentive awards program, and they have been specifically included in every Federal employee pay bill for over 10 years.

In all this time, not one proposal has ever come before us which even remotely suggests that this select group assume one obligation of Federal employment. They are hired without regard to civil service procedures at the sole discretion of the county office manager. They are completely exempt from the Federal service provisions of the Hatch Act and they work with complete immunity to the myriad laws and regulations that govern the employment of Federal employees.

Mr. Chairman, S. 1028 is most unfair to our thousands of dedicated and loyal Federal workers. The bill would give away important Federal employee benefits to non-Federal personnel. And, just as important, S. 1028 is highly discriminatory in that it singles out one select, favored group of non-Federal employees for these benefits to the exclusion of many other thousands around the country who could lay claim to us for similar special advantages.

I would like to elaborate on this latter point since it is so important. If we enact this bill we will be establishing a completely undesirable precedent. We will be opening the way for all other non-Federal personnel employed in federally sponsored, or federally assisted, programs to come to the Congress and lay claim to special advantages. If we enact this bill we could establish a precedent that any work financed in whole or in part by the Federal Government, or carried on in close cooperation with it, is an adequate basis for granting all those who do the work any and all of the benefits of Federal employment. And, I might point out that there are many thousands of such people, examples of which are the employees of our post exchanges and commissaries; thousands of State employment service personnel; the employees and members of all the regional development committees or commissions, and literally many thousands of people in every State of the Union who are working in a multitude of Federal-State cooperative programs.

Mr. Chairman, there is a much better and much easier approach to this problem, and it is one I think would satisfy all concerned. It is the approach recommended by the Civil Service Commission that we make these county office employees full-fledged Federal employees of the Department of Agriculture subject not only to the benefits of Federal employment, but to all the obligations and protections as well. Such legislation, according to the Civil Service Commission, would end the "in between" status of county office personnel and would place them directly in the main stream of

career progression in the Department of Agriculture.

In fact, the Civil Service Commission has notified the Senate Committee that even if this bill is enacted the Commission will continue to work toward the final objective of making county committee employees Federal employees.

The gentleman from Illinois [Mr. DERWINSKI], a ranking member of our committee, will offer a motion to recommit with instructions to report the amendment sponsored by the Civil Service Commission. I intend to support this motion and I hope it will be adopted.

If the motion to recommit is not adopted, then this entire bill should be rejected in the interest of justice and fairplay.

Mr. BROYHILL of North Carolina. Mr. Chairman, I rise to express my support of the measure before us, S. 1028, and to urge its approval.

Although the provisions of this bill have been explained, I wish to reiterate them so that the scope of this legislation is made absolutely clear.

First, this legislation deals only with employees of the Department of Agriculture who have have prior service with county Agriculture Stabilization and Conservation Service committees. The legislation is limited in its application, and rightfully so, for it is intended to deal with specific placement problems of the Agriculture Department.

Under this legislation, the Department of Agriculture will be able to place a former county employee in a position under the general schedule for which he qualifies at a salary step which is comparable to his prior county ASC salary rate. Presently, such a person who accepts a position with the Agriculture Department must be placed in the first step of his salary level, a requirement which frequently results in a loss of pay. This is so because county ASC employees are technically not Federal employees and when they do accept Federal employment with the Agriculture Department they must be treated as persons beginning Federal service.

The role of this county employee in relation to the Federal Government is clearly defined in the following excerpt of the statement before our subcommittee by Mr. Ray Fitzgerald, Deputy Administrator of State and County Operation, ASCS, U.S. Department of Agriculture:

They perform all of the functions which are delegated to the county ASC committees by the Congress and the Secretary, which means they serve the farmer on a day-to-day basis helping him to make application for each and every program which we administer in the various states. . . . All of the way from that to issuing to the farmer his allotment, telling him how he might participate in the program and what benefits will accrue to him if he does participate—signing him up and seeing to it that his farm is in compliance during the season, and transmitting to him his loan receipts, diversion payments and certificates.

It should be apparent that these county employees must have a complete comprehension of the operation of Federal programs and at the same time remain responsive to local conditions and juris-

diction. It is just this sort of experience which the Department of Agriculture values in examining applicants for certain positions in the Department.

In addition to permitting the Department of Agriculture to place a former county employee in Federal service at no loss of pay, this legislation would also:

Transfer to the new position the employee's annual and sick leave earned as a county ASC employee, and, permit him to credit his prior ASC service for leave earning purposes and for retention in force purposes, as an employee in the Department of Agriculture.

It is estimated that with the provisions of this legislation, as many as 130 county committee employees would agree each year to accept positions with the Department of Agriculture. This estimate emphasizes, I believe, the limited but important scope of this legislation.

County ASC employment provides a valuable source of well-trained personnel for responsible positions in the Department of Agriculture. This legislation offers the method by which the Federal Government can utilize this source of skilled employees and I therefore strongly urge its enactment.

Mr. HENDERSON. Mr. Chairman, I yield myself 2 minutes.

In closing the debate on this bill, two things should be pointed out:

First, the Hatch Act very definitely will apply if any of these employees receive the benefits, because they will become fulltime Federal employees. There is no doubt about that. The record is clear.

Second, the argument that the gentleman from Illinois made that these county committeemen should not be locked in is the best answer I know to the motion to recommit, about which the gentleman from Pennsylvania has spoken. I do not think I could make the argument any better except to add one thing, that rather than vote for the motion to recommit, which would bring this group in, it is the position of the Department of Agriculture and the speaker that you should vote the legislation down. We are trying to help the Department of Agriculture. The motion to recommit very definitely would not do that, but it would do just what the gentleman from Illinois said ought not to be done, and I could not agree with him more.

Mr. CORBETT. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I yield to the gentleman from Pennsylvania.

Mr. CORBETT. As the gentleman has said, if the employees about which we are speaking should come in as Federal employees, they would be under the Hatch Act and civil service. Of course, they would. But all of the other thousands that are not employed by the Department of Agriculture would continue to receive all the benefits they now receive and would not have any duty to obey the Hatch Act.

I do not know whether this is a matter of getting too rough with the question or not, but what the gentleman is saying is that these Agriculture workers ought to be out there available for the use of the majority party to help carry on the farm program and help in any other political manner that they please. It is

a good thing. If I were on the majority side, I would be against this recomittal motion.

Mr. MONTGOMERY. Mr. Chairman, it is a pleasure for me to rise in support of this bill. After studying it, I realize that this bill is essential to grant relief from the inequities that ASCS employees face in the transfer of benefits. Enactment of this bill would also be of great assistance to the Department of Agriculture in its recruitment of experienced, qualified persons now serving in the ASCS county offices.

Although they share an extremely close relationship to the Federal Government, employees in the county offices of the ASCS are not technically Federal employees. Their salaries are paid entirely out of Federal funds, and in recent years Congress has extended to these employees the benefits of the Civil Service Retirement Act, the Federal Employees' Group Life Insurance Act, the Federal Employees Health Benefits Act and the Severance Pay Act.

Under present law, when an employee of a county committee is appointed to a position in the Department of Agriculture, he begins his Federal service at the minimum rate of the appropriate grade of the general schedule, regardless of the number of years he may have served in a county office or the degree of experience he has attained. He accumulates annual leave on the basis of a beginning employee and for the purposes of determining seniority for a reduction in force, his ASCS service is not considered. There is, therefore, little incentive at the present time for this employee to accept a position in the Department of Agriculture when he knows that the only difference insofar as employee benefits are concerned is that his salary may be reduced and his seniority abolished.

Mr. Chairman, I would also like to emphasize that the committee has indicated that any additional cost resulting from the benefits granted by this legislation will be minimal. They have also said that any cost will be more than offset by the better manpower utilities and greater efficiency realized through the appointment of trained and able men in responsible positions in the Department of Agriculture.

Mr. HENDERSON. Mr. Chairman, I have no further requests for time.

Mr. CORBETT. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

S. 1028

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5534 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) An employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) may upon appointment to a position under the Department of Agriculture, subject to this subchapter, have his initial rate of basic pay fixed at the minimum rate of the appropriate grade, or at any step of such grade that does not exceed the highest previous rate of basic pay received by him during service with such county committee."

SEC. 2. (a) Subchapter I of chapter 63 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"SEC. 6312. Service rendered as an employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590(b)), or of a committee or an association of producers described in section 10(b) of the Agricultural Adjustment Act of May 12, 1933 (48 Stat. 37), shall be included in determining years of service for the purpose of section 6303(a) of this title in the case of any officer or employee in or under the Department of Agriculture. The provisions of section 6308 of this title for transfer of annual and sick leave between leave systems shall apply to the leave system established for such employees."

(b) The analysis of chapter 63 of title 5, United States Code, is amended by adding the following new item immediately after item 6311:

"6312. Accrual and accumulation for former ASCS county office employees."

SEC. 3. The second sentence of section 3502(a) is amended—

(1) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof a semicolon and the word "and"; and

(2) by adding after subparagraph (B) the following new subparagraph:

"(C) who is an employee in or under the Department of Agriculture is entitled to credit for service rendered as an employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)), or of a committee or an association of producers described in section 10(b) of the Agricultural Adjustment Act of May 12, 1933 (48 Stat. 37)."

Mr. HENDERSON (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

Mr. HENDERSON. Mr. Chairman, I ask unanimous consent that the committee amendments be considered as read, printed in the RECORD, and considered en bloc. All the amendments are technical in nature.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The committee amendments are as follows:

On page 1, line 3, strike out "section 5534" and insert in lieu thereof "section 5334".

On page 2, line 8, strike out "SEC. 6312. Service rendered as an employee of a" and insert in lieu thereof:

"§ 6312. Accrual and accumulation for former ASCS county office employees.

"Service rendered as an employee of a"

On page 2, line 11, strike out "590(b)" and insert in lieu thereof "590h(b)".

On page 3, line 1, insert "of title 5, United States Code," immediately following "section 3502(a)".

The committee amendment were agreed to.

AMENDMENT OFFERED BY MR. UDALL

Mr. UDALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UDALL: add a new section to S. 1028 to read as follows:

"SEC. 4. Effective as of the beginning of the first applicable pay period which began on or after October 1, 1967, the per annum (gross) rate of compensation of the position of Superintendent of Garages (House Office Buildings) under the Architect of the Capitol is \$12,540. Such position is subject to the provisions, pertaining to the Office of the Architect of the Capitol, in section 212 of the Federal Salary Act of 1967 (81 Stat. 634; Public Law 90-206), relating to the implementation of salary comparability policy."

Mr. UDALL. Mr. Chairman, this amendment would cure a technical oversight in the 1967 salary legislation. The committee added an identical provision to another bill, which passed here and is now pending in the other body, and has been now for several months. That bill has been involved in some controversy. I do not know if it will ever come back to the House. I take this opportunity to offer this amendment because this is a bill within the jurisdiction of our committee. The amendment is to correct an oversight. One individual was overlooked. There may be some argument about whether we should have had a salary raise for the Federal employees or in what amount, but this man should receive the raise if everyone else is going to receive it. I think the amendment will cure that inequity, and it should be agreed to.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Chairman, the gentleman from Arizona has properly stated the case. This is to correct an oversight. All members of our full committee supported this particular amendment and I think it should be included in this bill.

Mr. UDALL. Mr. Chairman, I thank the gentleman, who today is apparently the administration's floor leader on the legislation we are considering. I thank him for his support of my amendment and I also commend him for his vigor here in representing the family farmers of Cook County, as he sees their interests.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona [Mr. UDALL].

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore Mr. HOLIFIELD having assumed the chair, Mr. FULTON of Tennessee, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (S. 1028) to amend title 5, United States Code, to extend certain benefits to former employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes, pursuant to House Resolution

1182, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. DERWINSKI

Mr. DERWINSKI. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DERWINSKI. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. DERWINSKI moves to recommit the bill, S. 1028, to the Committee on Post Office and Civil Service with instructions to report the same back forthwith with the following amendment:

Strike out sections 1, 2, and 3; renumber section 4 as section 6; and insert the following:

"That (a) notwithstanding any law, rule, regulation, or decision to the contrary, the positions of the employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)), existing on or after the effective date of this Act, and the employees holding such positions, shall be held and considered to be positions and employees in and under the Department of Agriculture of the Government of the United States to the same extent as other positions and employees in and under such Department with all of the rights and benefits incident to employment by such Government.

"(b) Each of such positions and employees existing on or after the effective date of this Act shall be in and under the competitive civil service of the United States.

"(c) On or after the effective date of this Act, new appointments to such positions shall be made by the Secretary of Agriculture in accordance with the civil service laws, rules and regulations.

"(d) On and after the effective date of this Act, the Secretary of Agriculture shall fix the rate of basic compensation of each of such positions in accordance with the General Schedule contained in section 5332 (a) of title 5, United States Code, or under the appropriate prevailing rate schedule established in accordance with section 5341 of title 5, United States Code, as applicable.

"SEC. (a) In the initial adjustment of the rates of basic compensation of employees on the effective date of this Act to whom the first section of this Act applies, the following provisions of this subsection shall govern:

"(1) If the employee is receiving a rate of basic compensation which is less than the minimum rate of the appropriate grade of the General Schedule, or which is less than the minimum rate of the appropriate prevailing rate schedule, as applicable, in which his position is placed, his basic compensation shall be increased to such minimum rate.

"(2) If the employee is receiving a rate of basic compensation which is equal to a rate of the appropriate grade of the General Schedule, or which is equal to a rate of the appropriate grade or compensation level under the appropriate prevailing rate schedule, as applicable, in which his position is

placed, he shall receive basic compensation at such rate of such General Schedule, or at such rate under such prevailing rate schedule, as applicable.

"(3) If the employee is receiving a rate of basic compensation which is between two rates of the appropriate grade of the General Schedule, or which is between two rates of the appropriate grade or compensation level under the appropriate prevailing rate schedule, as applicable, in which his position is placed, he shall receive basic compensation at the higher of such two rates under such General Schedule or appropriate prevailing rate schedule, as applicable.

"(4) If the employee is receiving a rate of basic compensation which is in excess of the maximum rate of the appropriate grade of the General Schedule, or which is in excess of the maximum rate of the appropriate grade or compensation level of the appropriate prevailing rate schedule, as applicable, in which his position is placed, he shall continue to receive basic compensation without change in the rate until—

"(A) he leaves such position, or

"(B) he is entitled to receive basic compensation at a higher rate,

but, when any such position becomes vacant, the rate of basic compensation of any subsequent appointee thereto shall be fixed in the manner provided by applicable law and regulations.

"(b) The conversion of positions and employees to appropriate grades of the General Schedule and the initial adjustment of rates of basic compensation of such positions and employees, provided for by this Act, shall not be held or considered to be transfers or promotions within the meaning of section 5334(b) of title 5, United States Code, and the regulations issued thereunder.

"(c) Each employee on the effective date of this Act whose position is converted to the General Schedule as amended, or to the appropriate prevailing rate schedule, as applicable, who, prior to the initial adjustment of his rate of basic compensation under subsection (a) of this section, has earned, but has not been credited with, an increase in such rate, shall be granted credit for such increase before his rate of basic compensation is initially adjusted under such subsection.

"(d) Each employee on the effective date of this Act whose position is so converted shall be granted credit, for purposes of his first step increase under such General Schedule or prevailing rate schedule, for all satisfactory service performed by him since his last increase in compensation prior to the initial adjustment of his rate of basic compensation under subsection (a) of this section.

"(e) An increase in rate of basic compensation by reason of the enactment of this section shall not be held or considered to be an equivalent increase with respect to step increases for employees whose positions are converted to the General Schedule or the appropriate prevailing rate schedule under authority of this section.

"Sec. 3. (a) In the determination of length of service for the purposes of leave, retirement, veterans' preference, group life and health insurance, seniority, tenure, training, status, and all other rights and benefits of employees of the Government of the United States, all satisfactory service as an employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h (b)) and of a committee or an association of producers described in section 10(b) of the Agriculture Adjustment Act (7 U.S.C. 610(b)) shall be included and credited.

"(b) The Secretary of Agriculture or his designee shall certify to the appropriate Government authority concerned the amount of satisfactory service to be included and credited for the purposes of employment rights and benefits as provided in subsection

(a) of this section. Such appropriate Government authority is authorized and directed to accept such certification.

"SEC. 4. The following provisions of law are hereby repealed:

"(1) Section 8331(1)(f) of title 5, United States Code, relating to Civil Service Retirement;

"(2) Section 8701(a)(8) of title 5, United States Code, relating to Federal Employees' Group Life Insurance Act; and

"(3) Section 8901(1)(h) of title 5, United States Code, relating to Federal Employees' Health Benefits.

"SEC. 5. Sections 1 through 5 of this Act shall become effective on the first day of the first pay period which begins more than sixty days after the date of enactment of this Act.

Mr. CORBETT (during the reading). Mr. Speaker, I believe there has been an adequate explanation of this motion. I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. CORBETT) there were—ayes 24, noes 25.

Mr. FINDLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 136, nays 228, not voting 69, as follows:

[Roll No. 190]

YEAS—136

Adair	Esch	MacGregor
Anderson, Ill.	Eshleman	Mailliard
Arends	Findley	Martin
Bates	Ford, Gerald R.	Mathias, Calif.
Battin	Fulton, Pa.	Mathias, Md.
Belcher	Gardner	Mayne
Bell	Gathings	Meskill
Betts	Goodell	Miller, Ohio
Blester	Goodling	Mize
Broomfield	Gross	Morse, Mass.
Brotzman	Grover	Morton
Brown, Ohio	Gude	Mosher
Broyhill, Va.	Hall	Nelsen
Buchanan	Hammer-	O'Konski
Burke, Fla.	schmidt	Pelly
Bush	Hansen, Idaho	Pirnie
Byrnes, Wis.	Harrison	Poff
Cahill	Harsha	Pollock
Cederberg	Harvey	Price, Tex.
Chamberlain	Heckler, Mass.	Quie
Clancy	Hosmer	Railsback
Clausen,	Hunt	Reid, Ill.
Don H.	Hutchinson	Reinecke
Clawson, Del.	Johnson, Pa.	Rhodes, Ariz.
Cleveland	Keith	Riegle
Conte	King, N.Y.	Robison
Corbett	Kleppe	Rogers, Colo.
Cowger	Kuykendall	Roth
Cramer	Lalrd	Rumsfeld
Curtis	Langen	Sandman
Davis, Wis.	Latta	Saylor
Dellenback	Lipscomb	Schadeberg
Derwinski	Lukens	Scherle
Devine	McClory	Schneebeli
Dole	McCloskey	Schweiker
Duncan	McCulloch	Schwengel
Dwyer	McDade	Scott
Edwards, Ala.	McDonald,	Shriver
Erlenborn	Mich.	Skubitz

Smith, Calif.
Smith, Okla.
Snyder
Steiger, Wis.
Taft
Talcott
Teague, Calif.
Thomson, Wis.

Utt
Vander Jagt
Vanik
Wampler
Watkins
Whalen
Whalley
Whidnall

Wiggins
Wilson, Bob
Winn
Wylie
Wyman
Zion

NAYS—228

Abbitt
Abernethy
Adams
Albert
Anderson,
Tenn.
Andrews, Ala.
Andrews,
N. Dak.
Annunzio
Ashley
Ashmore
Aspinall
Baring
Barrett
Bennett
Berry
Bevill
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brinkley
Brooks
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Burke, Mass.
Burleson
Burton, Calif.
Burton, Utah
Button
Byrne, Pa.
Cabell
Carter
Casey
Clark
Cohelan
Colmer
Conable
Culver
Daddario
Daniels
Davis, Ga.
Dawson
de la Garza
Denney
Dent
Dingell
Donohue
Dorn
Dow
Dowdy
Downing
Eckhardt
Edmondson
Edwards, Calif.
Evans, Colo.
Everett
Fallon
Fascell
Felghan
Fisher
Flood
Foley
Ford,
William D.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz

Gettys
Gialmo
Gibbons
Gonzalez
Green, Oreg.
Griffin
Griffiths
Gubser
Hagan
Haley
Hamilton
Hanley
Hansen, Wash.
Hardy
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Helstoski
Henderson
Hicks
Holifield
Hull
Hungate
Ichord
Irwin
Jarman
Joelson
Johnson, Calif.
Jonas
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Kirwan
Kluczynski
Kornegay
Kyros
Landrum
Leggett
Lennon
Lloyd
Long, La.
Long, Md.
McCarthy
McClure
McEwen
McFall
Macdonald,
Mass.
Machen
Madden
Mahon
Marsh
Matsunaga
May
Meeds
Miller, Calif.
Mills
Minish
Mink
Monagan
Montgomery
Moorhead
Morgan
Morris, N. Mex.
Moss
Murphy, Ill.
Natcher
Nichols
Nix
O'Hara, Mich.
Olsen
O'Neal, Ga.

O'Neill, Mass.
Ottinger
Patman
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Poage
Pool
Price, Ill.
Pryor
Pucinski
Quillen
Randall
Rarick
Rees
Reid, N.Y.
Reuss
Rhodes, Pa.
Rivers
Roberts
Rodino
Rogers, Fla.
Ronan
Rooney, Pa.
Rostenkowski
Roush
Roybal
Ruppe
St Germain
St. Onge
Satterfield
Selden
Shibley
Sikes
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Stephens
Stubblefield
Stuckey
Sullivan
Taylor
Teague, Tex.
Thompson, Ga.
Tiernan
Tuck
Tunney
Udall
Ullman
Van Deerlin
Vigorito
Waggoner
Waldie
Watts
White
Whitener
Whitten
Willis
Wilson,
Charles H.
Wright
Wyatt
Yates
Young
Zablocki
Zwach

Abbot
Abernethy
Adams
Albert
Anderson,
Tenn.
Andrews, Ala.
Andrews,
N. Dak.
Annunzio
Ashley
Ashmore
Aspinall
Baring
Barrett
Bennett
Berry
Bevill
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brinkley
Brooks
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Burke, Mass.
Burleson
Burton, Calif.
Burton, Utah
Button
Byrne, Pa.
Cabell
Carter
Casey
Clark
Cohelan
Colmer
Conable
Culver
Daddario
Daniels
Davis, Ga.
Dawson
de la Garza
Denney
Dent
Dingell
Donohue
Dorn
Dow
Dowdy
Downing
Eckhardt
Edmondson
Edwards, Calif.
Evans, Colo.
Everett
Fallon
Fascell
Felghan
Fisher
Flood
Foley
Ford,
William D.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz

Gettys
Gialmo
Gibbons
Gonzalez
Green, Oreg.
Griffin
Griffiths
Gubser
Hagan
Haley
Hamilton
Hanley
Hansen, Wash.
Hardy
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Helstoski
Henderson
Hicks
Holifield
Hull
Hungate
Ichord
Irwin
Jarman
Joelson
Johnson, Calif.
Jonas
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Kirwan
Kluczynski
Kornegay
Kyros
Landrum
Leggett
Lennon
Lloyd
Long, La.
Long, Md.
McCarthy
McClure
McEwen
McFall
Macdonald,
Mass.
Machen
Madden
Mahon
Marsh
Matsunaga
May
Meeds
Miller, Calif.
Mills
Minish
Mink
Monagan
Montgomery
Moorhead
Morgan
Morris, N. Mex.
Moss
Murphy, Ill.
Natcher
Nichols
Nix
O'Hara, Mich.
Olsen
O'Neal, Ga.

Abbot
Abernethy
Adams
Albert
Anderson,
Tenn.
Andrews, Ala.
Andrews,
N. Dak.
Annunzio
Ashley
Ashmore
Aspinall
Baring
Barrett
Bennett
Berry
Bevill
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brinkley
Brooks
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Burke, Mass.
Burleson
Burton, Calif.
Burton, Utah
Button
Byrne, Pa.
Cabell
Carter
Casey
Clark
Cohelan
Colmer
Conable
Culver
Daddario
Daniels
Davis, Ga.
Dawson
de la Garza
Denney
Dent
Dingell
Donohue
Dorn
Dow
Dowdy
Downing
Eckhardt
Edmondson
Edwards, Calif.
Evans, Colo.
Everett
Fallon
Fascell
Felghan
Fisher
Flood
Foley
Ford,
William D.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz

NOT VOTING—69

Addabbo
Ashbrook
Ayres
Bingham
Blackburn
Bolton
Bow
Brasco
Bray
Brock
Carey
Celler
Collier
Conyers
Corman

Cunningham
Delaney
Dickinson
Diggs
Dulski
Edwards, La.
Eilberg
Evins, Tenn.
Farbstein
Fino
Flynt
Gilbert
Gray
Green, Pa.
Gurney

Halleck
Halpern
Hanna
Herlong
Holland
Horton
Howard
Jacobs
Karsten
Kelly
King, Calif.
Kupferman
Kyl
McMillan
Michel

Minshall	Purcell	Stratton
Moore	Reifel	Tenzer
Murphy, N.Y.	Resnick	Thompson, N.J.
Myers	Rooney, N.Y.	Walker
Nedzi	Rosenthal	Watson
O'Hara, Ill.	Roudebush	Williams, Pa.
Passman	Ryan	Wolff
Podell	Scheuer	Wylder

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. Dulski with Mr. Ashbrook.	de la Garza	Kazen	Reuss
Mr. Addabbo with Mr. Minshall.	Denney	Kee	Rhodes, Ariz.
Mr. King of California with Mr. Ayres.	Dent	Keith	Rhodes, Pa.
Mr. Carey with Mr. Horton.	Devine	King, N.Y.	Riegle
Mr. Celler with Mr. Halleck.	Dingell	Kirwan	Rivers
Mr. Delaney with Mr. Bow.	Dole	Kleppe	Roberts
Mr. Stratton with Mr. Fino.	Donohue	Kluczynski	Rodino
Mr. Purcell with Mr. Cunningham.	Dorn	Kornegay	Rogers, Colo.
Mrs. Kelly with Mrs. Bolton.	Dow	Kuykendall	Rogers, Fla.
Mr. Karsten with Mr. Roudebush.	Dowdy	Kyros	Ronan
Mr. Jacobs with Mr. Kyl.	Downing	Laird	Rooney, Pa.
Mr. Evins of Tennessee with Mr. Bray.	Duncan	Landrum	Rostenkowski
Mr. Rooney of New York with Mr. Reifel.	Dwyer	Langen	Roth
Mr. Brasco with Mr. Kupferman.	Eckhardt	Latta	Roush
Mr. Herlong with Mr. Gurney.	Edmondson	Leggett	Roybal
Mr. Hanna with Mr. Brock.	Edwards, Ala.	Lennon	Rumsfeld
Mr. Gray with Mr. Collier.	Edwards, Calif.	Lipscomb	Ruppe
Mr. Passman with Mr. Blackburn.	Edwards, La.	Lloyd	St Germain
Mr. McMillan with Mr. Dickinson.	Esch	Long, La.	St. Onge
Mr. Tenzer with Mr. Myers.	Eshleman	Long, Md.	Sandman
Mr. Walker with Mr. Moore.	Evans, Colo.	Lukens	Satterfield
Mr. Gilbert with Mr. Halpern.	Everett	McCarthy	Saylor
Mr. Thompson of New Jersey with Mr. Williams of Pennsylvania.	Fallon	McClory	Schadeberg
Mr. Edwards of Louisiana with Mr. Watson.	Fascell	McCloskey	Scherle
Mr. Farbstain with Mr. Wylder.	Feighan	McClure	Schneebell
Mr. Green of Pennsylvania with Mr. Michel.	Fisher	McCulloch	Schweiker
Mr. Podell with Mr. Flynt.	Flood	McDade	Schwengel
Mr. Ryan with Mr. Holland.	Foley	McDonald,	Scott
Mr. Conyers with Mr. Scheuer.	Ford, Gerald R.	Mich.	Selden
Mr. Murphy of New York with Mr. Corman.	Ford,	McEwen	Shipley
Mr. Diggs with Mr. O'Hara of Illinois.	William D.	McFall	Shriver
Mr. Bingham with Mr. Eilberg.	Fountain	Macdonald,	Sikes
Mr. Wolff with Mr. Nedzi.	Fraser	Mass.	Sisk
Mr. Rosenthal with Mr. Howard.	Frelinghuysen	MacGregor	Skubitz
	Friedel	Machen	Slack
	Fulton, Pa.	Madden	Smith, Calif.
	Fulton, Tenn.	Mahon	Smith, Iowa
	Fuqua	Marsh	Smith, N.Y.
	Gallagher	Martin	Smith, Okla.
	Gardner	Mathias, Calif.	Snyder
	Garmatz	Mathias, Md.	Springer
	Gathings	Matsunaga	Stafford
	Gettys	May	Staggers
	Glaimo	Mayne	Stanton
	Gibbons	Meeds	Steed
	Gonzalez	Meskill	Steiger, Ariz.
	Goodell	Miller, Calif.	Steiger, Wis.
	Goodling	Miller, Ohio	Stephens
	Gray	Mills	Stubblefield
	Green, Oreg.	Minish	Stuckey
	Griffin	Mink	Sullivan
	Griffiths	Mize	Taft
	Gross	Monagan	Talcott
	Grover	Montgomery	Taylor
	Gubser	Moorhead	Teague, Calif.
	Gude	Morgan	Teague, Tex.
	Hagan	Morris, N. Mex.	Thompson, Ga.
	Haley	Morse, Mass.	Thomson, Wis.
	Hall	Morton	Tiernan
	Hamilton	Mosher	Tuck
	Hammer-	Moss	Tunney
	schmidt	Murphy, Ill.	Udall
	Hanley	Natcher	Ullman
	Hansen, Idaho	Nelsen	Utt
	Hansen, Wash.	Nichols	Van Deerlin
	Hardy	Nix	Vander Jagt
	Harrison	O'Hara, Mich.	Vigorito
	Harsha	O'Konski	Waggonner
	Harvey	O'Neal, Ga.	Waldie
	Hathaway	O'Neill, Mass.	Walker
	Hawkins	Ottinger	Wampler
	Hays	Patman	Watkins
	Hébert	Patten	Watson
	Hechler, W. Va.	Pelly	Watts
	Heckler, Mass.	Pepper	Whalen
	Helstoski	Perkins	Whalley
	Henderson	Pettis	White
	Hicks	Philbin	Whitener
	Holifield	Pickle	Whitten
	Hull	Pirnie	Widnall
	Hungate	Poage	Wiggins
	Hunt	Poff	Willis
	Hutchinson	Pool	Wilson, Bob
	Ichord	Price, Ill.	Wilson,
	Irwin	Price, Tex.	Charles H.
	Jarman	Pryor	Winn
	Joelson	Quile	Wright
	Johnson, Calif.	Quillen	Wyatt
	Johnson, Pa.	Rallsback	Wylie
	Jonas	Randall	Wyman
	Jones, Ala.	Rarick	Young
	Jones, Mo.	Rees	Zablocki
	Jones, N.C.	Reid, Ill.	Zion
	Karth	Reid, N.Y.	Zwach
	Kastenmeier	Reinecke	

Messrs. O'HARA of Michigan, BROOKS, and SMITH of New York changed their votes from "yea" to "nay."

Mr. LANGEN changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 353, nays 14, not voting 66, as follows:

[Roll No. 191]

YEAS—353

Abbitt	Biester	Byrnes, Wis.
Abernethy	Blanton	Cabell
Adair	Blatnik	Cahill
Adams	Boggs	Carter
Albert	Boland	Casey
Anderson, Ill.	Bolling	Cederberg
Anderson,	Brademas	Chamberlain
Tenn.	Brinkley	Clancy
Andrews, Ala.	Brooks	Clark
Andrews,	Broomfield	Clausen,
N. Dak.	Brotzman	Don H.
Annunzio	Brown, Calif.	Clawson, Del
Arends	Brown, Mich.	Cleveland
Ashley	Brown, Ohio	Cohelan
Ashmore	Broyhill, N.C.	Colmer
Aspinall	Broyhill, Va.	Conable
Baring	Buchanan	Conte
Barrett	Burke, Fla.	Cowger
Bates	Burke, Mass.	Cramer
Belcher	Burleson	Culver
Bell	Burton, Calif.	Curtis
Bennett	Burton, Utah	Daddario
Berry	Bush	Daniels
Betts	Button	Davis, Ga.
Bevill	Byrne, Pa.	Dawson

de la Garza	Kazen	Reuss
Denney	Kee	Rhodes, Ariz.
Dent	Keith	Rhodes, Pa.
Devine	King, N.Y.	Riegle
Dingell	Kirwan	Rivers
Dole	Kleppe	Roberts
Donohue	Kluczynski	Rodino
Dorn	Kornegay	Rogers, Colo.
Dow	Kuykendall	Rogers, Fla.
Dowdy	Kyros	Ronan
Downing	Laird	Rooney, Pa.
Duncan	Landrum	Rostenkowski
Dwyer	Langen	Roth
Eckhardt	Latta	Roush
Edmondson	Leggett	Roybal
Edwards, Ala.	Lennon	Rumsfeld
Edwards, Calif.	Lipscomb	Ruppe
Edwards, La.	Lloyd	St Germain
Esch	Long, La.	St. Onge
Eshleman	Long, Md.	Sandman
Evans, Colo.	Lukens	Satterfield
Everett	McCarthy	Saylor
Fallon	McClory	Schadeberg
Fascell	McCloskey	Scherle
Feighan	McClure	Schneebell
Fisher	McCulloch	Schweiker
Flood	McDade	Schwengel
Foley	McDonald,	Scott
Ford, Gerald R.	Mich.	Selden
Ford,	McEwen	Shipley
William D.	McFall	Shriver
Fountain	Macdonald,	Sikes
Fraser	Mass.	Sisk
Frelinghuysen	MacGregor	Skubitz
Friedel	Machen	Slack
Fulton, Pa.	Madden	Smith, Calif.
Fulton, Tenn.	Mahon	Smith, Iowa
Fuqua	Marsh	Smith, N.Y.
Gallagher	Martin	Smith, Okla.
Gardner	Mathias, Calif.	Snyder
Garmatz	Mathias, Md.	Springer
Gathings	Matsunaga	Stafford
Gettys	May	Staggers
Glaimo	Mayne	Stanton
Gibbons	Meeds	Steed
Gonzalez	Meskill	Steiger, Ariz.
Goodell	Miller, Calif.	Steiger, Wis.
Goodling	Miller, Ohio	Stephens
Gray	Mills	Stubblefield
Green, Oreg.	Minish	Stuckey
Griffin	Mink	Sullivan
Griffiths	Mize	Taft
Gross	Monagan	Talcott
Grover	Montgomery	Taylor
Gubser	Moorhead	Teague, Calif.
Gude	Morgan	Teague, Tex.
Hagan	Morris, N. Mex.	Thompson, Ga.
Haley	Morse, Mass.	Thomson, Wis.
Hall	Morton	Tiernan
Hamilton	Mosher	Tuck
Hammer-	Moss	Tunney
schmidt	Murphy, Ill.	Udall
Hanley	Natcher	Ullman
Hansen, Idaho	Nelsen	Utt
Hansen, Wash.	Nichols	Van Deerlin
Hardy	Nix	Vander Jagt
Harrison	O'Hara, Mich.	Vigorito
Harsha	O'Konski	Waggonner
Harvey	O'Neal, Ga.	Waldie
Hathaway	O'Neill, Mass.	Walker
Hawkins	Ottinger	Wampler
Hays	Patman	Watkins
Hébert	Patten	Watson
Hechler, W. Va.	Pelly	Watts
Heckler, Mass.	Pepper	Whalen
Helstoski	Perkins	Whalley
Henderson	Pettis	White
Hicks	Philbin	Whitener
Holifield	Pickle	Whitten
Hull	Pirnie	Widnall
Hungate	Poage	Wiggins
Hunt	Poff	Willis
Hutchinson	Pool	Wilson, Bob
Ichord	Price, Ill.	Wilson,
Irwin	Price, Tex.	Charles H.
Jarman	Pryor	Winn
Joelson	Quile	Wright
Johnson, Calif.	Quillen	Wyatt
Johnson, Pa.	Rallsback	Wylie
Jonas	Randall	Wyman
Jones, Ala.	Rarick	Young
Jones, Mo.	Rees	Zablocki
Jones, N.C.	Reid, Ill.	Zion
Karth	Reid, N.Y.	Zwach
Kastenmeier	Reinecke	

NAYS—14

Corbett	Hosmer	Robison
Dellenback	Mailliard	Vanik
Derwinski	Pike	Yates
Erlenborn	Pollock	
Findley	Pucinski	

NOT VOTING—66

Addabbo	Evins, Tenn.	Moore
Ashbrook	Farbstein	Murphy, N.Y.
Ayres	Fino	Myers
Battin	Flynt	Nedzi
Bingham	Gilbert	O'Hara, Ill.
Blackburn	Green, Pa.	Passman
Bolton	Gurney	Podell
Bow	Halleck	Purcell
Brasco	Halpern	Reifel
Bray	Hanna	Resnick
Brock	Herlong	Rooney, N.Y.
Carey	Holland	Rosenthal
Celler	Horton	Roudebush
Collier	Howard	Ryan
Conyers	Jacobs	Scheuer
Corman	Karsten	Stratton
Cunningham	Kelly	Tenzer
Davis, Wis.	King, Calif.	Thompson, N.J.
Delaney	Kupferman	Williams, Pa.
Dickinson	Kyl	Wolff
Diggs	McMillan	Wylder
Dulski	Michel	
Eilberg	Minshall	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Dulski with Mr. Ashbrook.	de la Garza	Kazen	Reuss
Mr. Addabbo with Mr. Minshall.	Denney	Kee	Rhodes, Ariz.
Mr. King of California with Mr. Ayres.	Dent	Keith	Rhodes, Pa.
Mr. Carey with Mr. Horton.	Devine	King, N.Y.	Riegle
Mr. Celler with Mr. Halleck.	Dingell	Kirwan	Rivers
Mr. Delaney with Mr. Bow.	Dole	Kleppe	Roberts
Mr. Stratton with Mr. Fino.	Donohue	Kluczynski	Rodino
Mr. Purcell with Mr. Cunningham.	Dorn	Kornegay	Rogers, Colo.
Mrs. Kelly with Mrs. Bolton.	Dow	Kuykendall	Rogers, Fla.
Mr. Karsten with Mr. Roudebush.	Dowdy	Kyros	Ronan
Mr. Jacobs with Mr. Kyl.	Downing	Laird	Rooney, Pa.
Mr. Evins of Tennessee with Mr. Bray.	Duncan	Landrum	Rostenkowski
Mr. Rooney of New York with Mr. Reifel.	Dwyer	Langen	Roth
Mr. Brasco with Mr. Kupferman.	Eckhardt	Latta	Roush
Mr. Herlong with Mr. Gurney.	Edmondson	Leggett	Roybal
Mr. Hanna with Mr. Brock.	Edwards, Ala.	Lennon	Rumsfeld
Mr. Passman with Mr. Collier.	Edwards, Calif.	Lipscomb	Ruppe
Mr. McMillan with Mr. Blackburn.	Edwards, La.	Lloyd	St Germain
Mr. Flynt with Mr. Dickinson.	Esch	Long, La.	St. Onge
Mr. Tenzer with Mr. Myers.	Eshleman	Long, Md.	Sandman
Mr. Wolff with Mr. Moore.	Evans, Colo.	Lukens	Satterfield
Mr. Diggs with Mr. Nedzi.	Everett	McCarthy	Saylor
Mr. Green of Pennsylvania with Mr. Corman.	Fallon	McClory	Schadeberg
Mr. Conyers with Mr. Holland.	Fascell	McCloskey	Scherle
Mr. Gilbert with Mr. Howard.	Feighan	McClure	Schneebell
Mr. Podell with Mr. Thompson of New Jersey.	Fisher	McCulloch	Schweiker
Mr. Bingham with Mr. Williams of Pennsylvania.	Flood	McDade	Schwengel
Mr. Murphy of New York with Mr. Wylder.	Foley	McDonald,	Scott
Mr. Scheuer with Mr. Halpern.	Ford, Gerald R.	Mich.	Selden
Mr. Eilberg with Mr. Davis of Wisconsin.	Ford,	McEwen	Shipley
Mr. O'Hara of Illinois with Mr. Michel.	William D.	McFall	Shriver
Mr. Farbstain with Mr. Battin.	Fountain	Macdonald,	Sikes
Mr. Rosenthal with Mr. Ryan.	Fraser	Mass.	Sisk

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. HOLIFIELD). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD in connection with the Senate

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
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Issued June 24, 1968
For actions of June 21, 1968
90th-2nd; No. 107

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HIGHLIGHTS: Senate committee reported second supplemental appropriation and Interior appropriation bills. Senate agreed to conference report on revenue-expenditure control bill. Senate committee reported foot-and-mouth disease bill and bill to lease tobacco allotments without clearance. Senate committee reported International Coffee Agreement and bill to prohibit certain cotton imports. Senate committee reported supergrades bill. Senate disagreed to House amendments to Public Law 480 and appointed conferees.

SENATE

1. TAXATION. Agreed to, 64-16, the conference report on H. R. 15414, the proposed Revenue and Expenditure Control Act of 1968 (pp. S7562-4, S7480-508). For provisions see Digest 106.

During the debate on the conference report Sen. Morse said that tax reform is what the American farmer needs and said that one of the reasons for migration of farmers to urban areas is the effect of what the vertical monopoly development

is doing to American agriculture (pp. S7485-6); and Sen. McGovern said that as much as \$400 million in tax revenues are now escaping because people and corporations are making income on nonfarm operations and are using agriculture as a means of reducing taxable income (pp. S7487-8). Sen. Javits listed ways to accommodate a \$6 billion expenditure cut mentioning "the \$7 billion agricultural program" (p. S7500).

2. BUILDINGS. Conferees were appointed on S. 222, to insure that public buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped (p. S7522). House conferees have not been appointed.
3. COUNTY COMMITTEES. Concurred in House amendments to S. 1028, to extend certain benefits to former employees of county committees (p. S7522). For provisions see Digest 83. This bill will now be sent to the President.
4. FOOD FOR FREEDOM. Conferees were appointed on S. 2986, to extend Public Law 480 for 3 years. House conferees have not been appointed. pp. S7522-3
5. MILITARY CONSTRUCTION. Continued debate on H. R. 16703, the military construction bill, which includes funds for payment of the debt to the Commodity Credit Corp. for foreign currencies used in prior years to construct military family housing overseas. pp. S7509, S7529-55
6. COFFEE. The Foreign Relations Committee reported without reservation the International Coffee Agreement, 1968. p. S7556
7. TRANSPORTATION. Received from the Transportation Department a proposed bill to unify and consolidate the rules for navigation of the waters of the United States; to the Commerce Committee. p. S7555
8. APPROPRIATIONS. The Appropriations Committee reported with amendments H. R. 17754, the Department of the Interior and related agencies appropriation bill (S. Rept. 1275) (p. S7756). A table reflecting the items for the Forest Service is attached to this Digest.
The Appropriations Committee reported with amendments on June 19 during recess H. R. 17734, the second supplemental appropriation bill, 1968 which includes \$32 million for the school lunch program for fiscal year 1969. The bill also includes items for defense, increased pay costs for Federal employees, and grants to states for public assistance (S. Rept. 1269) (p. S7480). For a table reflecting committee action on the bill see Digest 106.
9. TOBACCO; LANDS, FOOT-AND-MOUTH DISEASE; WORLD FARM CENTER. The Agriculture and Forestry Committee reported the following bills: H. R. 17002, without amendment, to amend the Agricultural Adjustment Act of 1938 to permit the transfer of tobacco allotments by lease without clearance from lienholders (S. Rept. 1270). H. R. 16065, without amendment, to direct the Secretary of Agriculture to release on behalf of the United States conditions in deeds conveying certain lands to Iowa (S. Rept. 1272). H. R. 16451, without amendment, to authorize cooperation with the several governments of Central America in the prevention

But even as he pleaded to The Washington Daily News, "Please, mister, if you put this in your newspaper, don't just put the bad things. Put in all the good things, too," he warned. "If the leaders there don't do something soon this is going to be known as blood city instead of Resurrection City."

He was talking about the city of Martin Luther King, Jr.'s "Dream," where one night this week 17 assaults were reported; where youngsters hum cigarets and demand money from visitors and reporters; where two ministers were beaten after coming to offer aid; where clothes donated by affluent suburbanites grow mouldy in muddy fields; and where roaming gangs terrorize residents.

The character of the plywood city's population has changed since its inception. Gradually, what was a refuge for the sad-eyed poor is now a shanty-town of strutting youngsters—white and black—wearing both love and hate on their sleeves.

Said Mr. Jackson, "We got a new band of guys in there yesterday and they were like the Blackstone Rangers." "You know, 'We're gonna whip heads.' And this isn't what Resurrection City is for.

"There are rapes, robberies and cuttings every day, and there is nothing we can do about it even when we catch the guys who did it," he said.

"There are about 20 guns in Resurrection City. There are lead pipes, knives and Molotov cocktails in there."

But his efforts to meet with Rev. David Abernathy to talk about the problem failed. Mr. Jackson said, adding that his bosses at the City, the Chief Marshal, Albert Spencer and the Rev. James Orange, "are both fine men. But they just won't allow any camp discipline."

One white man returned from a demonstration march and found his clothing and furniture stolen, and burned his shanty down.

"He was just about ready to cry he felt so bad . . . I guess he was just so frustrated that he had to relieve his feelings."

He said he was ashamed to say it, but only the donations and work from white people were keeping the camp going.

"Almost all the whites here are dedicated but they take a real hard time from the blacks. I just can't understand my black brothers who will take things from the whites and then spit on them.

"I ask some of these guys if they hate whites so much why do they come up here and take things from them. Why don't they stay in Marks, Miss., where the man puts his foot on your back and you dare not move."

It's the residents who get on soapboxes at the City and say "We don't need discipline" who are wrong, Mr. Jackson said. "Hell, man, you can't run a cat show without some kind of discipline, but I just can't get thru to the leaders to tell them this.

"I'm only afraid that one of these days it's going to blow up and in 30 years your grandchildren and mine will only know about the bad things and not the good," he said.

Park Police estimate there have been about 100 violent incidents since the City went up in mid-May, including 20 visitors who have been beaten, robbed or stabbed outside the compound fence. Mr. Jackson calls the figures "very conservative."

[From the Washington (D.C.) Evening Star, June 21, 1968]

TIME TO GO HOME

When the first of the marching Poor People came to Washington in mid-May they were given a permit to build Resurrection City and to stay there until mid-June. Because of the delay in organizing the march to the Lincoln Memorial, the permit was extended for one week. It expires this Sunday.

There should not be another permit extension. In the five weeks that they have been here, the SCLC members have had ample

opportunity to petition the government for relief of their grievances. And they have won some concessions that are not inconsequential. Meanwhile, Resurrection City has become an obvious health hazard—to its inhabitants and to the rest of the city. And the rising incidence of violence, as exemplified by the disgraceful performance yesterday evening, especially after dark, indicates that the troublemakers are threatening to take control from the march's non-violent leaders.

The Rev. Ralph Abernathy, the SCLC leader, suggested in his remarks during yesterday's demonstration that he intends to stay in Washington, and that he hopes his followers will not leave Resurrection City. Many of them, of course, have already left. Others probably will be gone by Sunday. But if not, if the "city" is still occupied when the permit expires, we think those who remain should be moved out by the authorities and that Resurrection City should be dismantled.

This is not to say that the expiration of the permit need be enforced at the moment the clock strikes the hour. If promising negotiations to evacuate the city are under way, a day or two of delay might be wise. But if it becomes clear—and this is probable—that Mr. Abernathy and his remaining followers are determined for propaganda reasons to insist upon forcible removal, then they should be forcibly removed.

It is up to the President and the District authorities to settle the details of how this should be handled. But if they are forced to grasp this nettle, they should grasp it firmly and without hesitation.

[From the Washington (D.C.) Daily News, June 21, 1968]

GUEST EDITORIAL

Let every American, every lover of liberty, every well-wisher to his posterity swear by the blood of the Revolution never to violate in the least particular the laws of the country, and never to tolerate their violation by others. As the patriots of seventy-six did to the support of the Constitution and laws let every American pledge his life, his property, and his sacred honor—let every man remember that to violate the law is to trample on the blood of his father, and to tear the character of his own children's liberty. Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap; let it be taught in schools, in seminaries, and in colleges; let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice, and in short, let it become the political religion of the nation."

(From a speech by Abraham Lincoln in Springfield, Ill., Jan. 27, 1837—reprinted on the cover of the May-June, 1968 issue of the Riggs Bank News.)

AUTHORITY FOR NATIONAL GALLERY OF ART TO CONSTRUCT BUILDINGS IN THE DISTRICT OF COLUMBIA

Mr. JORDAN of North Carolina. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3159.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3159) authorizing the Trustees of the National Gallery of Art to construct a building or buildings on the site bounded by Fourth Street, Pennsylvania Avenue, Third Street, and Madison Drive NW., in the District of Columbia, and making provision for the maintenance thereof, which was, strike out all after the enacting clause, and insert:

That the Trustees of the National Gallery of Art are authorized to construct within the area reserved as a site for future additions by the third sentence of the first section of the joint resolution entitled "Joint Resolution providing for the construction and maintenance of a National Gallery of Art", approved March 24, 1937 (50 Stat. 51; 20 U.S.C. 71 et seq.) one or more buildings to serve as additions to the National Gallery of Art. The cost of constructing any such building shall be paid from trust funds administered by such Trustees. The plans and specifications for any such building shall be approved by the Commission of Fine Arts and the National Capital Planning Commission.

SEC. 2. Any building constructed under authority of the first section of this Act shall, upon completion, be a part of the National Gallery of Art.

SEC. 3. Paragraph (2) of section 9 of the Act entitled "An Act relating to the policing of the buildings and grounds of the Smithsonian Institution and its constituent bureaus" approved October 24, 1951 (65 Stat. 634; 40 U.S.C. 193n et seq.) is amended by inserting "(A)" immediately after "held to extend" and by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "(B) to the line of the face of the south curb of Pennsylvania Avenue Northwest, between Fourth Street and Third Street Northwest, to the line of the face of the west curb of Third Street Northwest, between Pennsylvania Avenue and Madison Drive Northwest, to the line of the face of the north curb of Madison Drive Northwest, between Third Street and Fourth Street Northwest, and to the line of the face of the east curb of Fourth Street Northwest, between Pennsylvania Avenue and Madison Drive Northwest."

SEC. 4. The Commissioner of the District of Columbia is authorized to transfer to the United States such jurisdiction as the District of Columbia may have over any of the property within the area referred to in the first section of this Act.

SEC. 5. If any public utility (whether privately or publicly owned) located within the area referred to in the first section of this Act is required to be relocated or protected by reason of the construction within such area of any addition to the National Gallery of Art, the cost of such relocation or protection shall be paid from trust funds administered by the Trustees of the National Gallery of Art.

Mr. JORDAN of North Carolina. Mr. President, I move that the Senate concur in the amendment of the House of Representatives.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Carolina.

The motion was agreed to.

DESIGNATION OF U.S. CUSTOMS HOUSE BUILDING, PROVIDENCE, R.I., AS THE "JOHN E. FOGARTY FEDERAL BUILDING"

Mr. JORDAN of North Carolina. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3363.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3363) to designate the U.S. Customs House Building in Providence, R.I., as the "John E. Fogarty Federal Building," which was, strike out all after the enacting clause and insert:

That the United States customhouse, Providence, Rhode Island, shall, from and after the date of enactment of this Act, be known and designated as the "John E. Fogarty Fed-

eral Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such United States customhouse shall be held to be a reference to the "John E. Fogarty Federal Building".

"And amend the title so as to read: 'An act to name the U.S. customhouse, Providence, R.I., the 'John E. Fogarty Federal Building'.'"

Mr. JORDAN of North Carolina. Mr. President, I move that the Senate concur in the amendment of the House of Representatives.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Carolina.

The motion was agreed to.

Mr. PELL. Mr. President, I express my very strong support of this bill honoring our colleague. I am delighted it has passed.

Mr. JORDAN of North Carolina. We thought it was a good bill. We were delighted to get the bill reported.

DESIGN OF PUBLIC BUILDINGS RELATING TO ACCESSIBILITY TO THE PHYSICALLY HANDICAPPED

Mr. JORDAN of North Carolina. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 222.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 222) to insure that public buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped, which was, strike out all after the enacting clause, and insert:

That, as used in this Act, the term "building" means any building or facility (other than (A) a residential structure containing less than four dwelling units and (B) any building or facility on a military installation, including any fort, camp, post, naval training station, airfield, proving ground, military supply depot, military school, or any similar facility of the Department of Defense) the intended use for which either will require that such building or facility be accessible to the public, or may result in the employment or residence therein of physical handicapped persons, which building or facility is—

(1) to be constructed or altered by or on behalf of the United States;

(2) to be leased in whole or in part by the United States after the date of enactment of this Act after construction or alteration in accordance with plans and specifications of the United States; or

(3) to be financed in whole or in part by a grant or a loan made by the United States after the date of enactment of this Act if such building or facility is subject to standards for design, construction, or alteration issued under authority of the law authorizing such grant or loan.

SEC. 2. The Administrator of General Services, in consultation with the Secretary of Health, Education, and Welfare, is authorized to prescribe such standards for the design, construction, and alteration of buildings (other than residential structures subject to this Act) as may be necessary to insure that physically handicapped persons will have ready access to, and use of, such buildings.

SEC. 3. The Secretary of Housing and Urban Development, in consultation with the Secretary of Health, Education, and Welfare,

is authorized to prescribe such standards for the design, construction, and alteration of buildings which are residential structures subject to this Act as may be necessary to insure that physically handicapped persons will have ready access to, and use of, such buildings.

SEC. 4. Every building designed, constructed, or altered after the effective date of a standard issued under this Act which is applicable to such building, shall be designed, constructed, or altered in accordance with such standard.

SEC. 5. The Administrator of General Services, with respect to standards issued under section 2 of this Act, and the Secretary of Housing and Urban Development, with respect to standards issued under section 3 of this Act, is authorized—

(1) to modify or waive any such standard, on a case-by-case basis, upon application made by the head of the department, agency, or instrumentality of the United States concerned, and upon a determination by the Administrator or Secretary, as the case may be, that such modification or waiver is clearly necessary, and

(2) to conduct such surveys and investigations as he deems necessary to insure compliance with such standards.

And amend the title so as to read: "An act to insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped."

Mr. JORDAN of North Carolina. Mr. President, I move that the Senate disagree to the amendment of the House of Representatives, request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. RANDOLPH, Mr. JORDAN of North Carolina, Mr. INOUE, Mr. LONG, and Mr. Boggs conferees on the part of the Senate.

TIMOTHY JOSEPH SHEA AND ELSIE ANNET SHEA

Mr. LONG of Louisiana. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 171.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 171) for the relief of Timothy Joseph Shea and Elsie Annet Shea, which was, strike out all after the enacting clause, and insert:

That notwithstanding the limitations of section 2401 of title 28 of the United States Code or any other statute of limitations, jurisdiction is hereby conferred upon the United States District Court for the Middle District of Florida to hear, determine, and render judgment on the claims of Timothy Joseph Shea and Elsie Annet Shea, of Orlando, Florida, against the United States for personal injuries and damages, including damages to property, suffered incident to the collision of two civil aircraft on or about October 1, 1960, allegedly the result of negligent landing instructions given the pilots of the aircraft by the operators of the Federal air traffic control tower, Herndon Air Port, Orlando, Florida. Nothing in this Act shall be construed as an inference or admission of liability on the part of the United States. The action authorized to be filed by this Act must be filed within one year of the effective date of this Act.

Mr. LONG of Louisiana. Mr. President, the Senate-passed bill would have authorized the Secretary of the Treasury to pay \$2,000 in full satisfaction of all their respective and joint claims against the United States for personal injuries and suffering incurred, as well as damages to their residence and property sustained by Mr. and Mrs. Shea incident to an accident which occurred on October 1, 1960, when two civil aircraft collided near their residence as a result of negligent landing instructions given to the pilot of such aircraft by operators of the Federal air traffic control tower, Herndon Airport, Orlando, Fla.

The House amended the bill to confer jurisdiction upon the U.S. Court for the Middle District of Florida by waiving the statute of limitations in order to make a court determination of the claim on its merits.

I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

AMENDMENT OF TITLE 5, UNITED STATES CODE

Mr. LONG of Louisiana. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1028.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1028) to amend title 5, United States Code, to extend certain benefits to former employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes which were, on page 1, line 3, strike out "section 5534" and insert "section 5334".

On page 2, strike out line 8, and insert:

§ 6312. Accrual and accumulation for former ASCS county office employees
Service rendered as an employee of a.

On page 2, line 11, strike out "590(b)" and insert "590h(b)".

On page 3, line 1, after "3502(a)" insert "of title 5, United States Code."

On page 3, after line 16, insert:

SEC. 4. Effective as of the beginning of the first applicable pay period which began on or after October 1, 1967, the per annum (gross) rate of compensation of the position of Superintendent of Garages (House Office Buildings) under the Architect of the Capitol is \$12,540. Such position is subject to the provisions, pertaining to the Office of the Architect of the Capitol, in section 212 of the Federal Salary Act of 1967 (81 Stat. 634; Public Law 90-206), relating to the implementation of salary comparability policy.

Mr. LONG of Louisiana. Mr. President, I move that the Senate agree to the amendments of the House of Representatives.

The motion was agreed to.

EXTENSION OF PUBLIC LAW 480

Mr. ELLENDER. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2986.



Public Law 90-367
90th Congress, S. 1028
June 29, 1968

An Act

To amend title 5, United States Code, to extend certain benefits to former employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5334 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

“(f) An employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) may upon appointment to a position under the Department of Agriculture, subject to this subchapter, have his initial rate of basic pay fixed at the minimum rate of the appropriate grade, or at any step of such grade that does not exceed the highest previous rate of basic pay received by him during service with such county committee.”

SEC. 2. (a) Subchapter I of chapter 63 of title 5, United States Code, is amended by adding at the end thereof the following new section:

“§ 6312. Accrual and accumulation for former ASCS county office employees

“Service rendered as an employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)), or of a committee or an association of producers described in section 10(b) of the Agricultural Adjustment Act of May 12, 1933 (48 Stat. 37), shall be included in determining years of service for the purpose of section 6303(a) of this title in the case of any officer or employee in or under the Department of Agriculture. The provisions of section 6308 of this title for transfer of annual and sick leave between leave systems shall apply to the leave system established for such employees.”

(b) The analysis of chapter 63 of title 5, United States Code, is amended by adding the following new item immediately after item 6311:

“6312. Accrual and accumulation for former ASCS county office employees.”

SEC. 3. The second sentence of section 3502(a) of title 5, United States Code, is amended—

- (1) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof a semicolon and the word “and”; and
- (2) by adding after subparagraph (B) the following new subparagraph:

“(C) who is an employee in or under the Department of Agriculture is entitled to credit for service rendered as an employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)), or of a committee or an association of producers described in section 10(b) of the Agricultural Adjustment Act of May 12, 1933 (48 Stat. 37).”

SEC. 4. Effective as of the beginning of the first applicable pay period which began on or after October 1, 1967, the per annum (gross)

Former ASCS employees.
Extension of benefits.
80 Stat. 468.
52 Stat. 31;
81 Stat. 633.

Leave.
80 Stat. 517.
5 USC 6301-
6311.

49 Stat. 767;
61 Stat. 709.
7 USC 610.

82 STAT. 277
82 STAT. 278

Order of re-
tention.
80 Stat. 428.

Superintendent
of Garages, com-
pensation.

5 USC 5304
note.

rate of compensation of the position of Superintendent of Garages (House Office Buildings) under the Architect of the Capitol is \$12,540. Such position is subject to the provisions, pertaining to the Office of the Architect of the Capitol, in section 212 of the Federal Salary Act of 1967 (81 Stat. 634; Public Law 90-206), relating to the implementation of salary comparability policy.

Approved June 29, 1968.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 1371 (Comm. on Post Office & Civil Service).

SENATE REPORT No. 365 (Comm. on Post Office & Civil Service).

CONGRESSIONAL RECORD:

Vol. 113 (1967): June 28, considered and passed Senate.

Vol. 114 (1968): June 18, considered and passed House, amended.
June 21, Senate agreed to House amendments.

